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[3d Rev. F.R.O. 9, Order 2]		
<b>PART 1220—FEED</b>		
<b>DELIVERIES OF PROTEIN MEAL BY COUNTY AGRICULTURAL CONSERVATION COMMITTEES</b>		
Effective March 15, 1944, in the State of Oklahoma and April 1, 1944, in the States of Texas and New Mexico, Order 2 (9 F.R. 561), issued December 18, 1943, pursuant to the authority contained in Food Production Order No. 9, Revision 3 (8 F.R. 16960), is hereby revoked: <i>Provided, however,</i> That said order shall be deemed to be in full force and effect for the purpose of sustaining any suit, action or other proceeding with respect to any violation thereof, or right accrued or liability incurred thereunder.		
(54 Stat. 676, 55 Stat. 236, 56 Stat. 176; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R.		
		3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FPO 9, Rev. 3, 8 F.R. 16960)
		Issued this 6th day of March 1944.
		D. A. FITZGERALD, Acting Director of Food Production.
		[F. R. Doc. 44-3257; Filed, March 7, 1944; 11:27 a. m.]
<b>Chapter XI—War Food Administration (Distribution Orders)</b>		
		[FDO 17, Amdt. 4]
<b>PART 1407—DRIED FRUIT</b>		
<b>RAISIN VARIETY GRAPES, ZANTE CURRANT GRAPES, RAISINS, AND ZANTE CURRANTS</b>		
Food Distribution Order No. 17, issued by the Secretary of Agriculture on January 30, 1943, as amended (8 F.R. 1706, 5793, 8795, and 12042), is further amended to read as follows:		
§ 1407.2 <i>Restrictions relative to raisin variety grapes, Zante Currant grapes, raisins, and Zante Currants—(a) Definitions.</i> When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:		
(1) The term "person" means any individual, partnership, corporation, association, or other business entity.		
(2) The term "Director" means the Director of Food Distribution, War Food Administration.		
(3) The term "raisin variety grapes" means Thompson Seedless, Muscat, and Sultana grapes, grown in Fresno, Kern, Kings, Madera, Merced, Stanislaus, San Joaquin, or Tulare Counties in the State of California, in the fresh or partially dried form.		
(4) The term "Zante Currant grapes" means grapes of the Zante variety, grown in Fresno, Kern, Kings, Madera, Merced, Stanislaus, San Joaquin, or Tulare Counties in the State of California, in the fresh or partially dried form.		
(5) The term "raisins" means raisin variety grapes preserved by the removal of a part of the natural moisture, and includes such fruit in the processed or unprocessed condition.		
(6) The term "Zante Currants" means Zante Currant grapes preserved by the removal of a part of the natural moisture, and includes such fruit in the processed or unprocessed condition.		
(7) The term "processing" means grading, sizing, stemming, seeding, or treating raisins or Zante Currants by the use of water, steam, chemicals, or compressed or hot air.		
(8) The term "producer" means any person engaged in the production of raisin variety grapes or Zante Currant grapes; and such term includes, but is not limited to, any owner of such grapes at the time of the harvesting or picking of such grapes.		
(9) The term "packer" means any person engaged in the business of processing and packaging raisins or Zante Currants.		
(10) The term "dehydrator" means any person engaged in the business of drying raisin variety grapes or Zante		

Currant grapes by the use of artificial heat or by sun drying.

(b) *Restrictions.* (1) No producer may sell or deliver any raisin variety grapes or any Zante Currant grapes, produced in 1943, except to (i) the Office of Distribution (including, but not being limited to, the Federal Surplus Commodities Corporation, or the Commodity Credit Corporation), or (ii) any person designated by the Director, or (iii) any dehydrator for the purpose of converting such grapes into raisins or Zante Currants. No producer may, unless specifically authorized by the Director, use more than 100 pounds of raisin variety grapes or Zante Currant grapes for any purpose other than for conversion into raisins or Zante Currants.

(2) No person may, unless specifically authorized by the Director, purchase or accept delivery of any raisin variety grapes or any Zante Currant grapes, produced in 1943, for any purpose other than for conversion into raisins or Zante Currants.

(3) No person may, unless specifically authorized by the Director, purchase, accept delivery of, or use any raisins or any Zante Currants, produced in 1943, for conversion into alcohol, brandy, wine, any other beverage (whether alcoholic or not), any concentrate, any syrup, or any other product or by-product.

(4) No person may sell any raisins or any Zante Currants, produced in 1943, for conversion into alcohol, brandy, wine, any other beverage (whether alcoholic or not), any concentrate, any syrup, or any other product or by-product except to (i) the Office of Distribution (including, but not being limited to, the Federal Surplus Commodities Corporation, or the Commodity Credit Corporation), or (ii) any person designated by the Director.

(5) Each person, other than a packer, shall, without regard to existing contracts, set aside on March 1, 1944, for delivery to the Office of Distribution, or any person designated by the Director, all of the unprocessed raisins produced in 1943, owned by him on March 1, 1944, or under contract to him on March 1, 1944, and hold such unprocessed raisins so set aside for a period of one year thereafter unless, during such period, said unprocessed raisins are acquired by the Office of Distribution or a person designated by the Director.

(6) No person may sell or deliver any raisin variety grapes, any Zante Currant grapes, any raisins, or any Zante Currants with knowledge or reason to believe that such quantity, or any portion thereof, thus sold or delivered is to be used in violation of this order.

(7) No dehydrator shall convert any raisin variety grapes into raisins by any method other than sun drying, unless specifically authorized by the Director.

(c) *Records and reports.* (1) The Director shall be entitled to obtain such information and require such reports and the keeping of such records by any person, as may be necessary or appropriate in the Director's discretion, to the enforcement or administration of the provisions of this order.

(2) Every person subject to this order shall, for at least two years (or for such period of time as the Director may designate), maintain an accurate record of his transactions in raisin variety grapes, Zante Currant grapes, raisins, and Zante Currants.

(3) The record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(d) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of raisin variety grapes, Zante Currant grapes, raisins, and Zante Currants of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(e) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him, may file a petition for relief with the Regional Director, Office of Distribution, War Food Administration, 821 Market Street, San Francisco 3, California. Petitions for such relief shall be in writing, and shall set forth all pertinent facts and the nature of the relief sought. If such person is dissatisfied with the action taken on the petition by the Regional Director, he may, by requesting the Regional Director therefor, secure a review of such action by the Director. The Director may, after such review, take such action as he deems appropriate, and such action shall be final.

(f) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using raisin variety grapes, or Zante Currant grapes, or raisins, or Zante Currants, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(g) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall be addressed to the Regional Director, Office of Distribution, War Food Administration, 821 Market Street, San Francisco 3, California, Ref: FDO 17.

(h) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby

delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(i) *Effective date.* This order shall become effective at 12:01 a. m., p. w. t., on the 4th day of March 1944.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under Food Distribution Order No. 17, as amended, prior to the effective time of this amendment said Food Distribution Order No. 17, as amended, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 4th day of March 1944.

MARVIN JONES,  
War Food Administrator.

[F. R. Doc. 44-3164; Filed, March 4, 1944;  
3:47 p. m.]

## TITLE 32—NATIONAL DEFENSE Chapter VI—Selective Service System

[No. 244]

### COOPERATIVE SCHOOL REPORT ORDER PRESCRIBING FORM

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, I hereby prescribe the following change in DSS Forms:

Revision of DSS Form 213, entitled "Cooperative School Report," effective immediately upon the filing hereof with the Division of the Federal Register. The supply of DSS Form 213 on hand will be used until exhausted.

The foregoing revision shall become a part of the Selective Service Regulations effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHY,  
Director.

MARCH 6, 1944.

[F. R. Doc. 44-3239; Filed, March 6, 1944;  
4:23 p. m.]

## Chapter IX—War Production Board Subchapter A—General Provisions

### PART 903—DELEGATIONS OF AUTHORITY

[Directive 27, Amdt. 1]

### PRIORITIES ACTION BY FOREIGN ECONOMIC ADMINISTRATION

In § 903.39 Directive 27 paragraph (c) is hereby amended by striking therefrom the second sentence, reading as follows: "Where a rating is assigned under paragraph (b), the legend shall also contain the following: 'This material is to be charged to the period from \_\_\_\_\_ to \_\_\_\_\_'".

<sup>1</sup> Form filed as part of the original document.

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696)

Issued this 6th day of March 1944.

J. A. KRUG,  
Program Vice Chairman.

[F. R. Doc. 44-3241; Filed, March 6, 1944;  
4:34 p. m.]

**Subchapter B—Executive Vice-Chairman**

**AUTHORITY:** Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

**PART 1010—SUSPENSION ORDERS**

[Suspension Order S-494, Stay of Execution]

LOUIS M. HERMAN COMPANY

Louis M. Herman, doing business as The Louis M. Herman Company, of Boston, Massachusetts, has appealed from the provisions of Suspension Order No. S-494, issued February 21, 1944, and has requested a stay on the ground that irreparable harm would be done his business if the suspension order were not stayed pending final determination of his appeal. In view of the foregoing, it is hereby ordered, that the provisions of Suspension Order No. S-494, issued February 21, 1944, are hereby stayed. This stay shall take effect upon date of issuance.

Issued this 6th day of March 1944.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 44-3242; Filed, March 6, 1944;  
4:34 p. m.]

**PART 3296—SAFETY AND TECHNICAL EQUIPMENT<sup>1</sup>**

[Preference Rating Order P-43, as Amended Mar. 6, 1944]

**LABORATORIES**

Section 3296.106<sup>1</sup> Preference Rating Order P-43 is hereby amended to read as follows:

For the purpose of assisting laboratories in getting materials and to promote the national defense, preference ratings and an allotment symbol are hereby assigned to deliveries of such materials under the terms and within the limitations set forth in this order:

§ 3296.106 Preference Rating Order P-43—(a) Definitions. The meaning of various terms used in this order is set forth below:

(1) "Laboratory". Any person located in the United States, its territories or possessions, who carries on scientific or technological investigation, testing, development or experimentation as his regular business or in the course of his business and who buys any materials especially for that purpose is considered

a "laboratory" under this order in making such purchases, even though he does not have a separate department or organization in his company or institution for these activities. The term "laboratory" includes research laboratories, production control laboratories, testing laboratories, analytical laboratories, clinical laboratories, and instructional laboratories. It does not include any person to the extent that he is engaged in the manufacture of products for commercial sale or public distribution, even though the place in which the products are manufactured may be called a laboratory. "Serial-numbered laboratory" means a laboratory which has been assigned a serial number under this order. (Paragraph (g) explains how to apply for a serial number.)

(2) "Material" means any commodity, equipment, accessory, part, assembly or product of any kind. The term includes, but is not limited to, maintenance, repair and operating supplies for laboratories, equipment and instruments designed for use in laboratories, and other materials needed to carry on scientific or technological investigation, testing, development or experimentation. The term also includes such items as hand tools and safety equipment purchased by a laboratory for sale to its employees for use only in the laboratory activities. The term does not include chemicals prepared and packed for reagent use, which may be obtained in the manner provided in Order P-135.

(b) How a laboratory gets controlled materials. A laboratory may get controlled materials (as defined in CMP Regulation 1) needed for carrying on scientific or technological investigation, testing, development or experimentation by placing on its order the allotment symbol V-9, and the certification set forth in Priorities Regulation 7, or the following certification:

The undersigned certifies, subject to the criminal penalties for misrepresentation contained in section 35 (A) of the United States Criminal Code, that the items covered by this order are required to carry on scientific or technological investigation, testing, development or experimentation, and that this order is placed in compliance with Preference Rating Order P-43.

Such an order is an authorized controlled material order for the purpose of all CMP Regulations.

(c) How a laboratory gets Class A products. A laboratory may get Class A products needed for carrying on scientific or technological investigation, testing, development or experimentation by placing on its order the preference rating AA-2 (or AA-1 in the case of serial-numbered laboratories or laboratories operated by the Army or Navy of the United States) and the certification set forth in Priorities Regulation 7 (or the certification set forth in paragraph (b) above) plus the following statement:

You are authorized to use the allotment symbol V-9 to order controlled materials and Class A products needed to fill this order or contract.

Serial-numbered laboratories must include their serial number in the certification. It is not necessary to show the

weight of controlled material on such an order. The manufacturer of a Class A product who receives an order so endorsed may place an authorized controlled material order for controlled materials required to manufacture the product by using the symbol V-9 and the certification set forth in Priorities Regulation 7. If he requires an A component for the A product, he may use the same procedure as the laboratory uses in ordering A products; that is, he may place on his order the preference rating received from the laboratory, using the Priorities Regulation 7 certification plus the statement set forth above in this paragraph (c). The manufacturer of the A product may buy the other materials and products he needs to make the A product by placing the preference rating he received from the laboratory and the allotment symbol V-9 on his order with the certification set forth in Priorities Regulation 7.

(d) How a laboratory gets other materials and products. A laboratory may get the other materials and products needed for carrying on scientific or technological investigation, testing, development or experimentation by placing on its order the preference rating AA-2 (or AA-1 in the case of serial-numbered laboratories or laboratories operated by the Army or Navy of the United States) and symbol V-9, and the certification of Priorities Regulation 7 (or the certification set forth in paragraph (b) above). Serial-numbered laboratories must include their serial number in the certification.

(e) Use of priorities assistance for construction. (1) The priorities assistance provided by this order may be used to get materials for maintenance and repair of buildings or structures without getting permission under Order L-41 (Construction). The term "maintenance and repair", as used in this paragraph, means the work necessary to keep a building or structure in sound working condition or to fix it when it has become unsafe or unfit for service because of wear and tear; also the minimum work necessary to prevent more damage to a building or structure (or its contents) which has been damaged by fire, flood, tornado, earthquake, acts of war, or the like.

(2) The priorities assistance provided by this order may also be used to get materials for construction jobs (other than maintenance and repair) needed to carry on scientific or technological investigation, testing, development or experimentation where the cost of the job does not exceed \$500. (In determining the cost of a construction job, the laboratory's cost of labor and the cost of any equipment which is being installed to carry on scientific or technological investigation, testing, development or experimentation, may be excluded. No construction job shall be subdivided for the purpose of coming within the \$500 limit.) Under Order L-41 any such construction job may be carried on without getting permission to begin construction under Order L-41. All other construction may be carried on only to the extent permitted under the provisions of Order L-41. The

<sup>1</sup>Formerly Part 3277, § 3277.1.

term "construction", as used in this paragraph, means putting up or altering any sort of a building and the installing of equipment or fixtures.

(f) *Restrictions on use of this order and materials obtained under it.* (1) The priorities assistance provided to laboratories by this order may not be used to get materials for developmental or experimental activities in connection with products or materials designed primarily for future civilian markets unless such activities will be carried on without diverting any manpower, technical skill, or facilities from activities connected with the war effort. No serial-numbered laboratory shall use the AA-1 preference rating assigned by this order to get materials for carrying on developmental or experimental activities in connection with products or materials designed primarily for future civilian markets.

(2) Materials obtained under this order may be used to make experimental models or test runs of material, but only the minimum number of models or minimum size run needed to determine the suitability of the item for commercial production. Such models or materials shall not be distributed for the purpose of promoting sales or creating a consumer demand for such items; nor shall such items, if designed primarily for future civilian markets, be exhibited to the public.

(3) So far as practicable, no serial-numbered laboratory shall use the AA-1 preference rating assigned by this order to get materials for use in activities other than research and production control. For example, no educational institution which has been assigned a serial number shall use the AA-1 rating to purchase materials which are to be used only for instructional laboratory purposes, and no hospital which has been assigned a serial number shall use the AA-1 rating to purchase materials which are to be used only for clinical laboratory purposes. However, the AA-2 rating which is assigned to non-serial-numbered laboratories may be used for such instructional or clinical purposes.

(4) The priorities assistance provided by this order shall not be used to get materials for the production of any facility which is intended to be used to produce products or materials on a commercial scale, even though such facility may involve new features or developments. However, the priorities assistance may be used to get materials for the production of experimental models which are intended to be used only in developmental or experimental activities.

(5) The preference ratings assigned by this order shall not be applied to the delivery of any item appearing on List A or B of Priorities Regulation 3, except as specifically permitted in List B with respect to laboratory instruments and equipment.

(6) Material obtained under this order shall not be used for any purpose except scientific or technological investigation, testing, development or experimentation, within the limits stated above in this paragraph (f). Physical segregation of inventories is not required, but adequate records should be kept to show, quantitatively, that material ob-

tained under this order is not used for other purposes.

(g) *Assignment of serial numbers.* Any laboratory desiring a serial number under this order may apply to the War Production Board on Form WPB-167 (formerly Form PD-107), in triplicate, for the assignment of a serial number. Serial numbers will be assigned only to laboratories which are engaged in research or production control activities and then only in cases where the War Production Board, in its discretion, determines (1) that the activities of the laboratory are highly essential in the prosecution of the war, and (2) that the assignment of a serial number is necessary in furtherance of the war effort.

(h) *Reports by serial-numbered laboratories.* Whenever the War Production Board shall so direct, each serial-numbered laboratory shall file with the War Production Board a report on Form WPB-3456 setting forth the principal activities of the laboratory and all other information required by the form. Failure of any serial-numbered laboratory to file the required report when directed to do so by the War Production Board shall be sufficient cause for revocation of the serial number. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(i) *Effect on other orders.* (1) Except as otherwise provided herein, nothing in this order shall be construed to relieve any laboratory from complying with any applicable regulation or order of the War Production Board (including orders in the "E", "L" and "M" series) or with any order of any competent authority. Specifically, the assignment of preference ratings and an allotment symbol by this order does not relieve any laboratory from complying with the provisions of Limitation Order L-144 with respect to laboratory equipment.

(2) The quantity restrictions set forth in paragraph (f) of CMP Regulations 5 and 5A shall not be applicable to any laboratory obtaining material under this order.

(j) *Inventory restrictions.* No laboratory shall at any time accept delivery of any material (whether or not such material is obtained pursuant to this order) if the laboratory already has a practicable minimum working inventory thereof or if the acceptance of the material will cause such laboratory to have an inventory of the material in excess of a practicable working minimum, as provided in § 944.14 of Priorities Regulation 1. Furthermore, no laboratory shall accept delivery of any controlled material if acceptance of the controlled material would cause it to violate the inventory limitations of CMP Regulation 2.

(k) *Use of other ratings or allotment numbers or symbols.* Nothing contained in this order shall prevent any laboratory from using any ratings or allotment numbers or symbols which it may be entitled to use by reason of any preference rating certificate or any other order or regulation of the War Production Board; but the ratings assigned by this order shall be effective, notwithstanding the provisions of paragraph (k) (1) of CMP Regulation 5 and paragraph (l) (1) of CMP Regulation 5A.

(l) *Penalties for misrepresentation or other violations.* (1) The placing of any order bearing a certification or symbol as provided by this order shall constitute a representation, subject to the criminal penalties of section 35 (A) of the United States Criminal Code (18 U.S.C. 80), that the person placing the order is entitled, under the terms of this order, to use of the symbol or preference rating indicated thereon.

(2) Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(m) *Records.* Each laboratory acquiring materials pursuant to this order shall keep and preserve, for a period of not less than two years, accurate and complete records of all materials so acquired. Such records shall, upon request, be submitted to audit and inspection by a duly authorized representative of the War Production Board.

(n) *Communications to War Production Board.* All communications concerning this order and all applications and reports shall, unless otherwise directed, be addressed to: War Production Board, Safety and Technical Equipment Division, Washington 25, D. C., Ref: P-43.

Issued this 6th day of March 1944.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 44-3216; Filed, March 6, 1944;  
11:15 a. m.]

#### PART 3296—SAFETY AND TECHNICAL EQUIPMENT

[Preference Rating Order P-43, Interpretation 1, Revocation]

##### LABORATORIES

Interpretation 1 of this order, issued January 23, 1942, is superseded by Order P-43, as amended March 6, 1944.

Issued this 6th day of March 1944.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 44-3240; Filed, March 6, 1944;  
11:15 a. m.]

#### PART 3296—SAFETY AND TECHNICAL EQUIPMENT

[Preference Rating Order P-43, Direction 1, Revocation]

##### LABORATORIES

Direction 1 to this order, issued December 24, 1943, is superseded by para-

graph (h) of Order P-43, as amended March 6, 1944.

Issued this 6th day of March 1944.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
*Recording Secretary.*

[F. R. Doc. 44-3215; Filed, March 8, 1944;  
11:14 a. m.]

#### PART 1075—CONSTRUCTION

[Conservation Order L-41 as Amended  
Mar. 7, 1944]

**§ 1075.1 Conservation Order L-41—(a)**  
*What this order does.* This order limits construction. It is necessary in order to conserve materials, construction equipment, labor and transportation. In most cases, except where the construction is of a special kind, you must get permission from the War Production Board for construction. This permission (sometimes called "authorization to begin construction") must not be confused with preference ratings or priorities. If a construction job is allowed, either because it is not of the kind restricted by this order or because permission has been obtained, it may still be necessary to get preference ratings for the materials and fixtures which are needed. On the other hand, if you have ratings for materials, or materials on hand, you may still have to get permission to use them for a particular construction job.

**(b) What is meant by construction.** Construction covered by this order includes putting up or altering any sort of a structure, including a building, road, bridge, dam, sewer, and similar jobs; also the installing of equipment or fixtures. Certain special kinds of construction are excepted, as explained in paragraphs (c) and (d) below.

**(c) How much construction is allowed without getting permission.** You need not get permission under this order for construction which does not total more than the limits shown in the following list for all jobs begun in the same year. For an explanation of how to figure "cost," see paragraph (i). If a utility connection will be required (electricity, gas, water, steam or telephone), it may be necessary to get War Production Board approval for the connection. If so, approval for the connection must be obtained before beginning construction, even if the cost of construction comes within the limits. The limits for all jobs begun in the same year are as follows:

(1) \$200 for a house, including the entire residential property.

(2) \$1,000 for a farm, including the farm house; a farm means a place used for raising crops, livestock, dairy products, poultry, etc., primarily for the market.

(3) \$1,000 for a hotel, apartment building or other residence for six or more families. Any residence for five or less families is considered a house under (1) above.

(4) \$200 for an office, bank, store, laundry, garage, restaurant, or other retail service establishment, except that the limit is \$1,000 for a unit containing more than five establishments of this kind.

(5) \$1,000 for a church, hospital, school, college, public playground for children, or for a publicly owned building or group of buildings used for public purposes.

(6) \$1,000 for a bridge, overpass, underpass, tunnel, dock, pier, airport, bus terminal or for a railroad or street railway building or group of buildings.

(7) \$1,000 for an irrigation or drainage system serving more than one farm.

(8) \$1,000 for a building or group of buildings which will be used for warehouse or for off-farm storage purposes.

(9) \$1,000 for all monuments and structures on the same cemetery lot or for all cemetery buildings or structures in the same cemetery.

(10) \$1,000 for a military exchange situated on a reservation of the Army or Navy.

(11) \$1,000 for a building or group of buildings which will be used directly in furnishing any of the electric, gas, water or heating utility services listed in paragraph (a) (1) of Order U-1, and which will be owned by a utility producer as defined in that paragraph, or which will be used directly in furnishing communication services and which will be owned by an operator as defined in paragraph (a) (1) of Order U-2, or in paragraph (a) (1) of Order U-6, or which will be used directly for a sewage system and owned by a sewage system operator as defined in Order P-141.

(12) \$5,000 for a factory, plant or other industrial unit which is used for the manufacture, processing or assembling of any goods, except that the limit is \$200 if the goods are listed on Schedule A at the end of this order or if the productive floor area of the unit upon completion of construction is less than 10,000 square feet.

(13) \$200 for any other kind of construction.

**(d) Special kinds of construction which do not require permission.** It is not necessary to get War Production Board permission under this order for the following kinds of construction, and the cost of such construction need not be charged against the cost limits stated in paragraph (c).

(1) Maintenance and repair; that is, work necessary to keep a building or structure in sound working condition or fix it when it has become unsafe or unfit for service because of wear and tear; also the minimum work necessary to prevent more damage to a building or structure (or its contents) which has been damaged by fire, flood, tornado, earthquake, acts of war, or the like. Changes in material are permitted in doing maintenance and repair work. Additions, structural alterations, or the completion of unfinished parts of buildings are not considered maintenance and repair. Rebuilding or restoring after damage caused by fire, flood, tornado, earthquake, acts of war, or the like, is not permitted as maintenance and repair, but is permitted in some cases as explained below.

(2) The rebuilding or restoring of a house (including a farm house) or other residential building damaged or destroyed after July 1, 1943, by fire, flood, tornado, earthquake, acts of war, or the like, if the cost of rebuilding or restoring is less than \$5,000.

(3) The rebuilding or restoring of farm buildings damaged or destroyed by fire, flood, tornado, earthquake, acts of war, or the like, if the cost of rebuilding or restoring is less than \$5,000, where the immediate reconstruction is determined by the United States Department of Agriculture to be essential to the agricultural program.

(4) The rebuilding or restoring of a building or structure damaged or destroyed by disaster, where the Red Cross has been given priority assistance to restore the disaster area, and where the rebuilding or restoring has been determined by the Red Cross to be essential.

(5) Construction necessary to prevent threatened loss of farm products, where immediate construction is determined by the United States Department of Agriculture to be essential to the agricultural program.

(6) Construction owned by the United States Army, Navy, Maritime Commission, War Shipping Administration, Coast Guard, Marine Corps, Civil Aeronautics Authority, Coast and Geodetic Survey, or Panama Canal.

(7) Insulating buildings with materials such as storm windows and doors, pipe covering, loose fill, blanket or bat insulation, plain or granule surfaced rigid insulation, and weather stripping.

(8) [Deleted Mar. 7, 1944]

(9) Grading, ditch-digging or similar earth-moving operations, if no cement, lumber or other building materials are used, except clay tile and non-reinforced concrete pipe.

(10) Various kinds of construction connected with farms, railroad tracks, utilities, mines, smelters, wells, the petroleum industry, the lumber industry, the chemical industry, steel mills, broadcasting facilities and laboratories, as described in Schedule B.

(11) A construction job which began before this order originally became effective (April 9, 1942), or at a time when the job was not limited by this order, and has gone on without interruption.

(12) Construction jobs which are classed as minor capital additions under CMP Regulation No. 5 or under CMP Regulation No. 5A. This exception applies only to:

(i) Additions to factories, plants and other industrial units which will have a productive floor area of 10,000 square feet or more, and which are for the manufacturing, processing or assembling of goods which are not listed in Schedule A.

(ii) Hospitals.

(e) All other construction forbidden without WPB permission. No person shall do any construction which has not been permitted by the War Production Board, unless it is of a kind described in paragraph (c) or (d) above. This prohibition applies to a person who does his own construction work, to one who gets a contractor to do it for him, and

to any contractor or subcontractor who works on the job or gets others to work on it. It also applies to any supplier who furnishes material for the job if he knows or has reason to know that the construction has not been permitted.

(f) *How to apply for permission.* (1) Schedule C at the end of this order shows the various types of application forms, and where they should be filed.

(2) In case of emergency, application may be made by wire or in person instead of on a printed form. It must be made to the office in which a written application for the same construction should be filed. The following information must be given:

(i) Cause of the emergency (fire, flood, etc.).

(ii) What the building or structure is used for.

(iii) Type of construction.

(iv) Why immediate construction is necessary.

(v) Estimated cost of construction.

(g) *Preference rating includes permission in some cases only.* There are some forms of preference rating orders and certificates which are issued or have been issued for special kinds of construction and which include permission for construction although they do not say so. These are listed in Schedule D at the end of this order. In all other cases, a preference rating is not enough, unless the instrument which assigns the rating also states that construction is permitted under this order.

(h) *Other restrictions on use of some items.* Permission for construction or the exception of any construction from this order does not relieve any one from complying with the various WPB orders or directives which restrict the use of copper and other scarce materials or fixtures. If you do not know about these restrictions, consult the nearest War Production Board District Office.

(i) *How to figure cost.* (1) For the purpose of determining whether a construction job may be started without getting permission from the War Production Board, "cost" means the cost of the whole construction job as estimated at the time of beginning construction, except that the cost of used material or used fixtures may be disregarded.

(2) If any materials or fixtures which have not been used are obtained without buying them, their value must be included as part of the cost.

(3) The cost of processing machinery or equipment need not be included but the cost of installing it and the cost of plumbing, heating, and air conditioning equipment and of all other equipment not used directly in the processing of materials must be included.

(4) The cost of labor must be included, but if labor is unpaid its value need not be included. Contractors' fees

also must be included but architects' and engineers' fees need not be.

(5) All construction on the same unit must be included. The word "unit" means any group of buildings or structures (including roadways, pipelines, etc.) which are situated near to each other, and which serve the same general purpose, or closely related purposes. For example, each of the following is a unit: a house, together with a detached garage, tennis court, swimming pool, etc.; a farm, including the farm house, barn, hen house, dairy, etc.; a manufacturing plant with a number of buildings used for the same or different processes, together with administration buildings, cafeterias, etc. In no case may a single building or structure be treated as more than one unit.

(6) The cost per year must be determined on a calendar year basis, beginning with January 1, 1943, except that a company which regularly keeps its books on a fiscal year basis may use the fiscal year.

(j) *Penalties for violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any Department or Agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining any further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 7th day of March 1944.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

#### SCHEDULE A

This schedule is referred to in paragraphs (c) (12) and (d) (12). In the case of a unit principally designed for the manufacture, processing or assembling of any of the following articles, the cost limit is \$200 in any one year without getting permission:

(i) Athletic supplies, sporting goods, or toys or games.

(ii) Beverages, except milk.

(iii) Books, magazines, newspapers, greeting cards, or other printed or engraved matter.

(iv) Candy or chewing gum.

(v) Cigars, cigarettes, smoking or chewing tobacco or snuff.

(vi) Jewelry, watches, luggage, brushes, razors, pipes, and like articles for personal use or adornment.

(vii) Furniture, store fixtures, barroom fixtures, bowling alleys and the like.

(viii) Silverware, woodenware, household electrical appliances, draperies, rugs, and all other household appliances and equipment, but not including china and glassware.

(ix) Musical instruments.

(x) Stationery or office supplies.

(xi) Toiletries or cosmetic products.

(xii) Wearing apparel of every sort, except for the Army or Navy and their auxiliaries, and except safety equipment or safety clothing as defined in Order L-114.

#### SCHEDULE B

Permission under this order is not necessary for the following kinds of construction which are referred to generally in paragraph (d) (10).

1. Construction on structures which are to be used directly in the discovery, development or depletion of mineral deposits; also maintenance work, repairs and minor capital additions given priorities assistance under order P-56 (relating to mines and smelters).

2. Construction which is regulated by any petroleum administrative order issued by the Petroleum Administrator for War. (Construction of this kind is permitted only to the extent authorized by the applicable petroleum administrative order.)

3. Construction of telephone and telegraph facilities or equipment, other than buildings, if authorized or permitted under the terms of Order U-2 (\$ 4501.1) or Order U-6 (\$ 4501.21).

4. Laying railroad tracks, together with the construction of necessary operating facilities, but not including buildings, tunnels, overpasses, underpasses, or bridges.

5. Construction of facilities (other than buildings) which will be used directly in furnishing any of the electric, gas, water or heating utility services listed in paragraph (a) (1) of Order U-1 and which will be owned by a utility "producer" as defined in that paragraph.

6. Construction of facilities (other than buildings) which will be used directly for a sewerage system and will be owned by a sewerage system "operator" as defined in Order P-141.

7. Installation or erection of rationed farm machinery, or mechanical equipment, which has been obtained on a purchase certificate issued by a County Farm Rationing Committee under Food Production Order 14 of the War Food Administration, or of wire fencing which has been obtained on P.R. 19 certification.

8. Drilling and casing of water wells, but excluding any use of pipe to conduct water on the surface.

9. Use by any logger or lumber manufacturer of lumber, nails, gravel, or clay products in construction needed to change the site of logging or lumbering operations; also the construction of timber access roads financed wholly or in part by defense highway appropriations.

10. Construction which is given priorities assistance under Order P-89 (relating to facilities for the manufacture of chemicals).

11. Construction which is given priorities assistance under Order P-68 (relating to facilities for the manufacture of steel).

12. Rearrangement or expansion of facilities and equipment, other than buildings, by an international point-to-point radio communication carrier to the extent that priorities assistance is granted under P-133 for such work.

13. Construction which is given priorities assistance under Order P-43 (relating to laboratories).

## SCHEDULE C

NOTE: Schedule C amended Mar. 7, 1944.

Application forms to be used in obtaining permission to begin construction under L-41 and where to file them, unless otherwise instructed. These forms are to be used whether or not priorities assistance or controlled material allotments are required.

Type of construction	Application form	Where filed
Farm construction, including farm dwellings.....	WPB-617 (formerly PD-200).	County Agricultural Conservation Committee having jurisdiction over the site.
Housing for 5 families or less per building; and hotels and apartment houses for 6 or more families providing additional living quarters for war workers.	WPB-2896 (formerly PD-105).	FHA Field Office having jurisdiction over the site.
Hotels, and apartment houses for 6 or more families not providing additional living quarters for war workers: Total cost less than \$25,000.....	WPB-617 (formerly PD-200). WPB-617 (formerly PD-200). PR 1 PA.....	WPB District Office having jurisdiction over the site. WPB, Washington, D. C.
Total cost \$25,000 or more.....	WPB-2774.....	State Highway Department having jurisdiction over the site. WPB, Washington, D. C.
Public roads.....	WPB-617 (formerly PD-200). WPB-617 (formerly PD-200).	WPB District Office having jurisdiction. WPB—Washington, D. C.
Water, gas, steam, electricity or telephone facilities for use by public.		
Factories, plants and other industrial units; and all other kinds of construction not listed above: Total cost less than \$25,000.....		
Total cost \$25,000 or more.....		

In cases where Tax Amortization privileges are requested, the application to begin construction, together with the application for Certificate of Necessity should be filed with the War Production Board, Washington, D. C. rather than as designated above.

"Total cost" as used in Schedule C includes the cost or value of used materials and fixtures, processing machinery and equipment and architects' and engineers' fees, although these are not included in "cost" for the purpose of determining how much construction may be done under paragraphs (e) and (d) of L-41 without getting permission under that order.

NOTE: The application forms specified in Schedule C have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

## SCHEDULE D

NOTE: Schedule D amended Mar. 7, 1944.

The following preference rating orders or certificates are referred to in paragraph (g). If you have received one of these orders or certificates for your construction, the construction is permitted by the WPB:

P-19-h.....	Relating to projects important to the war effort or essential civilian needs.
CMPL-224.....	
GA-1456.....	
P-55-b.....	Housing.
WPB-2896.....	
WPB-2774.....	Relating to utility facilities.
WPB-542.....	Relating to command construction and certain other construction carried on under the supervision of the Armed Services.
FD-3A.....	
P-14-a.....	
P-14-b.....	
P-19.....	
P-19-a.....	
P-19-d.....	
P-19-e.....	
P-19-g.....	
P-19-i.....	
P-41.....	These orders and certificates are no longer used, but jobs which were authorized by them may go on.
P-55-b.....	
P-55-amended.....	
P-110.....	
PD-3.....	
CMPL-127.....	

## INTERPRETATION 1

[Superseded by L-41, as amended November 1, 1943, which incorporates the substance of the interpretation.]

## INTERPRETATION 2

Conservation Order L-41 (§ 1075.1) does not apply to the construction or erection of temporary motion picture sets of a kind which may be stored between the taking of pictures, nor to the incorporation of such temporary sets into permanent sets for the tak-

ing of a single motion picture. However it does apply to the construction of permanent outdoor motion picture sets and foundations for sets of a kind which are designed for use in more than a single picture at one location. (Issued Nov. 13, 1943)

## INTERPRETATION 3

## EARTH-MOVING OPERATIONS

Under the provisions of paragraph (d) § 1075.1 *Conservation Order L-41* it is not necessary to get War Production Board permission for construction of a kind consisting of "grading, ditch-digging or similar earth-moving operations if no cement, lumber or other building materials are used except clay tile and non-reinforced concrete pipe." This applies only to projects which can be completed without the use of any other materials. It does not apply to earth-moving operations which are part of a construction job in which other materials will be incorporated before completion. (Issued Nov. 23, 1943)

[F. R. Doc. 44-3246; Filed, March 7, 1944;  
11:17 a. m.]

## PART 1157—CONSTRUCTION MACHINERY AND EQUIPMENT

[Limitation Order L-192 as Amended Mar. 7, 1944]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply for defense, for private account and for export, of rubber and other materials used in the production of construction machinery and equipment and repair parts; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

## § 1157.10 Limitation Order L-192.

(a) [Revoked Jan. 10, 1944]

(b) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable Reg-

ulations of the War Production Board, as amended from time to time.

(c) *Definitions.* (1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Producer" means any person engaged in the manufacture of equipment.

(3) "Equipment" means that construction machinery and equipment listed in Schedules A, B, and D attached hereto, but shall not include any equipment on rubber tired chassis or running gear built for or usable for the transportation of commodities or persons.

(4) "New", when applied to equipment, means any equipment which has never been received or accepted by any person acquiring it for use.

(5) "Repair part" means any part manufactured for use in the repair and maintenance of equipment; but does not include components or attachments which change the functional operations of the equipment as originally shipped.

(6) "War agency" means the Army, Navy, Maritime Commission, War Shipping Administration and the military forces of any foreign country entitled to receive deliveries pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(7) "United States" means the United States of America and its territories and possessions.

(8) "Supplier" means any producer, dealer, distributor or other person engaged in the business of selling equipment or repair parts.

(9) "Dealer or distributor" means any person who is engaged in the business of purchasing equipment or repair parts for the purpose of resale.

(d) *Procedure for placing and receiving equipment orders—(1) For Schedule A equipment.* No person shall place or accept any order for new equipment listed in Schedule A, except according to the following procedure:

(i) Every person, except a war agency, desiring to place such an order shall file an application for authorization to purchase on Form WPB-1319 in quintuplicate with the War Production Board regional office in the region in which such person desires to use such equipment. Such application when approved by the War Production Board shall establish all conditions under which such order may be placed with the supplier including the assignment of preference ratings if not previously granted.

(ii) Every person, except a war agency who applies for such equipment by filing Form WPB-1319 thereby makes representation that he has complied with all the terms of Limitation Order L-196 as amended.

(iii) A war agency shall furnish the Construction Machinery Division, War Production Board, Washington 25, D. C. with Form WPB-1319 made out in duplicate at the time that any order for such equipment is placed with a producer.

(iv) No person shall accept an order for such equipment from any person except a war agency, unless such order is accompanied by such authorization on Form WPB-1319.

(2) *For Schedule B equipment.* Nothing in this order shall prevent any person from placing or accepting an order for new equipment listed in Schedule B, subject to all applicable regulations of the War Production Board.

(3) [Revoked Jan. 10, 1944]

(4) Except as provided in paragraph (e) (2), nothing in this order shall prevent any person from placing or accepting an order for new equipment listed in Schedule D, subject to all applicable regulations of the War Production Board.

(e) *Restrictions on production of equipment.* (1) No producer shall use or put into process any materials for the production or assembly of

(i) Any new equipment except in accordance with such production schedules as may be approved by the War Production Board as provided in paragraph (f) hereof;

(ii) [Revoked Jan. 10, 1944]

(iii) Any parts to be physically incorporated into new equipment in excess of those required by approved production schedules: *Provided,* That this subparagraph (e) (1) (iii) shall not apply to the production of repair parts or components or attachments;

(iv) [Revoked Jan. 10, 1944]

(2) In addition to such limitations and prohibitions as may be imposed by Order L-217 and all schedules thereto, no producers shall use or put into process any materials for the production or assembly of any equipment listed in Schedule D.

(f) *Production schedules.* (1) On or before the 15th day of each calendar month, every producer shall file in quadruplicate on Form WPB-1689 a statement of his production for the previous month and his proposed production schedule of all new equipment projected for all additional monthly periods for which production may be planned. Approval or modification of such production schedule of all new equipment for the three calendar months succeeding such filing, or for such shorter time as production may be planned, will be indicated on an approved copy of said Form WPB-1689 returned to such producer prior to the first day of the calendar month succeeding such filing. Except as provided in paragraph (f) (2) hereof, no producer shall change his production schedules as approved or changed by the War Production Board without specific authorization of the War Production Board.

(2) Any producer of new equipment listed in Schedule B may produce all or any one or more items of such equipment appearing on his approved production schedules on Form WPB-1689 at any time during the months for which the schedules were approved, and need not therefore in that regard produce in strict accordance or sequence with the individual monthly production schedules approved: *Provided,* That the total quantity of each item produced during such period shall not exceed that authorized on such approved schedules.

(3) In scheduling production of equipment for delivery to persons other than war agencies, it will be the general policy of the War Production Board to allow each producer a quarterly production quota based on the ratio of his production in the period 1937-1941, inclusive, to the total production of all producers during that period. For example, if a producer's production of a particular type of equipment during the period 1937-1941, inclusive, was 10% by dollar value of the total production of that type by all producers during that period, it will be the general policy to allow him in each calendar quarter a quota of 10% of the total approved production of that type of equipment for delivery to persons other than war agencies.

(g) *Inventory reports.* On or before the 15th day of each calendar month, every producer shall file in quadruplicate on Form WPB-1689, a statement of finished unsold inventory, as of the last day of the preceding calendar month, of new equipment including that in the possession of his dealers and distributors. Every dealer and distributor, on the fifth day of the month, shall report his inventory of new equipment as of the last day of the preceding calendar month to the producer from whom such equipment was purchased, or, if not purchased, to the producer for whom the distributor or dealer is acting as agent.

(h) *Prohibiting transfer and use of new equipment.* No producer shall use for other than experimental or demonstration purposes, or sell, lease, trade, lend, deliver, ship or transfer any new equipment unless

(1) [Deleted Jan. 10, 1944]

(2) Such use, sale, lease, trade, loan, delivery, shipment or transfer has been specifically approved by the War Production Board as follows:

(i) On or before November 25, 1942, and on or before the 15th day of each succeeding calendar month, every producer shall file in quadruplicate on Form WPB-1689 a statement showing his proposed delivery schedule of all unfilled orders of new equipment, his shipments made during the calendar month previous to filing, and also his shipments during the current month to the date of filing. Approval of a delivery schedule of all new equipment for the calendar month succeeding such filing, whether or not such equipment is actually shipped during that month, will be indicated on an approved copy of said form returned to such producer prior to the first day of that month.

(ii) [Deleted Jan. 10, 1944]

(iii) The War Production Board may at any time revoke any delivery authorization provided for in subparagraph (h) (2) (i) above as to any or all new equipment included therein, direct or change the schedule for deliveries of any new equipment, allocate any order for any new equipment listed on a producer's Form WPB-1689 to any other producer, or direct the delivery of any new equipment to any other person, at regularly established prices and terms.

(iv) Except as provided in subparagraph (h) (2) (v) hereof, and notwithstanding any preference rating heretofore or hereafter granted, no producer shall change his schedule of deliveries of any new equipment as approved or changed by the War Production Board, without specific authorization of the War Production Board.

(v) Any producer may deliver any item of new equipment listed in Schedule B to the amount permitted by approved production schedules regardless of his schedule of deliveries of such equipment as listed on his current Form WPB-1689. Such deliveries shall be subject to all applicable Regulations of the War Production Board.

(i) *Restrictions on resale, rental and use.* (1) Every person, except a war agency, to whom delivery of any new equipment listed in Schedule A has been authorized pursuant to this order, must use such equipment on the project described in the authorization to purchase and will be subject to the provisions of paragraphs (i) (2) and (i) (3) hereof.

(2) Every person except a war agency, thirty days prior to the sale, lease or use on any other project of such equipment, shall complete, sign and return Form WPB 1333 to the Used Construction Machinery Regional Specialist in the War Production Board Regional office in the region in which the "WPB-1319 was originally approved for such equipment.

(3) The War Production Board at any time on two weeks' written notice, may require any such person who owns such equipment to sell, lease, or use such equipment as directed.

(4) Nothing in this order shall be deemed to affect the applicability of Limitation Order L-196.

(j) *Restrictions on sale and delivery of repair parts.* A supplier must not sell or deliver repair parts to any person unless the sale or delivery is permitted by one of the following subparagraphs:

(1) *Repairs for current use.* A supplier may sell or deliver repair parts to any person for current use if the purchaser certifies that he will need the parts to replace worn out parts within 30 days after receiving them. The certification must be in substantially the following form: "Authorized under Order L-192—current use". This certification shall constitute a representation to the War Production Board that the repair parts ordered are required to replace worn out parts within 30 days after receipt of the parts ordered and are not for stock; that the purchaser does not have other parts on hand or on order with any other supplier for this purpose; and that the purchaser has complied with the provisions of Limitation Order L-196 (if the equipment for which the repair parts are sought is subject to the provisions of Limitation Order L-196). The purpose of this subparagraph (1) is to release by certification repair parts

which will be put immediately (or within 30 days after receipt) into construction machinery in order that such machinery may be kept operating or put into condition to operate. This subparagraph (1) is not intended to permit the purchase of repair parts for stock. Paragraph (j) (4) tells how an equipment owner can get authorization on Form WPB-1319 from the War Production Board to purchase a stock of repair parts.

*Exception.* The above certification for current use must not be used for parts orders over \$1000 if such parts are to be used for crawler, walker or truck type shovels, cranes or draglines, with a rated capacity of less than 2½ cubic yards. Parts orders over \$1000 for current use for such machines must be approved on Form WPB-1319, in accordance with subparagraph (4) below, before the sale or delivery can be made. Repair parts purchase or delivery orders must not be subdivided for the purpose of coming within this \$1000 limitation.

(2) *War agencies and persons repairing war agency equipment.* (i) This paragraph (j) does not restrict the sale or delivery of repair parts to war agencies for direct use by them.

(ii) A supplier may sell or deliver repair parts to any person who has contracted to repair equipment owned by a war agency if the purchaser certifies that the parts will be used only to repair equipment owned by the war agency. The certification must be given in substantially the following form: "Authorized under Order L-192—war agency contract". This certification shall constitute a representation to the War Production Board that the buyer has contracted to repair equipment owned by a war agency and that the parts ordered will be used only for the repair of that equipment.

(3) *Exports.* A supplier may sell or deliver repair parts for export on any purchase order for \$50 or less if the purchaser certifies that the parts are for export. The certification must be given in substantially the following form: "Authorized under Order L-192—for export". This certification shall constitute a representation to the War Production Board that the parts ordered are for export. If the purchase order is for more than \$50, it must be approved on Form WPB-1319, as explained in the next subparagraph. However, nothing in this order shall be deemed to relieve any person from the necessity of getting an export license from the Foreign Economic Administration where such license is required.

(4) *Specific authorization to buy repair parts.* A supplier may sell or de-

liver repair parts for stock or any other purpose not provided for above if the purchase or delivery of the repair parts has been specifically authorized by the War Production Board. Application for this authorization and for a preference rating, if none has been previously assigned, may be made by filing Form WPB-1319, in quadruplicate, with the Washington office of the War Production Board. When a person receives authorization on Form WPB-1319, to purchase repair parts, he may give his supplier the authorization along with his purchase order or, if he prefers, he may give the supplier a certification in substantially the following form: "Authorized under Order L-192—on Form WPB-1319". This certification shall constitute a representation to the War Production Board that the purchase or delivery of the repair parts ordered has been specifically authorized by the War Production Board on Form WPB-1319.

(5) *Sales to producers.* This paragraph (j) does not restrict the sale or delivery of repair parts to producers.

(6) *Sales to dealers and distributors.* Unless otherwise specifically directed by the War Production Board, this paragraph (j) shall not restrict the sale or delivery of repair parts to dealers or distributors located in the United States or Canada.<sup>1</sup> However, a dealer or distributor located in the United States must not purchase repair parts under this exemption to repair construction equipment owned by him. If he wants to use repair parts for that purpose, he may do so by following the procedure of paragraph (j) (1) above. For example, if he is getting repair parts from another supplier for the repair of his own equipment, he must give the certification of paragraph (j) (1) or the WPB-1319 authorization to the other supplier; if he wants to repair his equipment with parts which he originally acquired for resale, he may do so and, in that case, the certification or the WPB-1319 authorization must be placed in his file.

(7) *Orders received before March 20, 1944.* Suppliers may make delivery of repair parts on any order received before March 20, 1944, if the order has been placed in accordance with paragraph (j) of Order L-192, as amended January 10, 1944.

(k) *Certification.* Each L-192 certification provided for in paragraph (j)

must be signed manually or as provided in Priorities Regulation 7. If the person signing an L-192 certification is using a preference rating on his order, he may add the L-192 certification to any certification used to apply the preference rating instead of giving two separate certifications. The standard certification of Priorities Regulation 7 must not be used instead of the L-192 certification, although the standard certification may be used along with it in applying a preference rating. A supplier may rely on any such L-192 certification unless he knows or has reason to believe it to be false.

(l) *Spares.* Orders for repair parts intended to be used as spares for new equipment listed in Schedule A must be placed with the producer at the same time as the order for such new equipment and must be listed on the Form WPB-1319, on which the new equipment is listed.

(m) *Allocation of repair parts production.* No producer shall deliver to war agencies in any one month any repair part whatsoever in excess of 75% of his sales of that repair part during the month, if the delivery would prevent deliveries of such repair part to fill orders properly placed by other persons. Similarly, no producer shall deliver to other persons in any month more than 25% of his sales of any repair part if the delivery would prevent the filling of orders for delivery of such repair part to war agencies. "Other persons", as used in this paragraph, shall not include dealers or distributors who have ordered repair parts for their stock or inventory. A dealer or distributor, in placing a purchase order with a producer for repair parts for which he has received a customer's order that he is unable to fill out of his stock, may state on his purchase order to the producer whether the repair part is being ordered for a war agency or not. If the repair part is being ordered for a war agency, delivery by the producer on such order shall be considered a delivery to a war agency for the purpose of this paragraph. If the repair part is being ordered for a person other than a war agency, delivery by the producer on the order shall be considered a delivery to "other persons" for the purposes of this paragraph.

(n) *Filling repair parts orders upon specific direction of the War Production Board.* A producer shall, upon the specific direction of the War Production Board on Form WPB-1319, make delivery of any repair part to fill any order specified in such direction. When application has not previously been filed, the person authorized to receive such repair part shall return to the War Production Board a signed copy of Form WPB-1319 as confirmation of the application. However, confirmation copies need not be filed by War agencies.

(o) *Substitution and conservation of critical materials.* In the manufacture of any item of equipment or repairs parts, no producer shall use any alloy steel, stainless steel, aluminum, magnesium, copper, brass, bronze, zinc, nickel, tin,

<sup>1</sup>If a dealer or distributor located in the United States wants a preference rating to increase the size of his stock of repair parts, or to establish a new stock of repair parts for resale, he may apply for a preference rating on Form WPB-547 (formerly PD-1X) for repair parts to be obtained from a manufacturer. Such a dealer or distributor may, of course, extend any preference ratings received from his customers.

cadmium, or fabricated rubber products where the use of other less critical materials will not impair the efficiency of operation of such item.

(p) *Records.* All persons affected by this order shall keep and preserve for not less than two (2) years accurate and complete records concerning inventories, purchases, production and sale.

(q) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(r) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(s) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter, in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal. The letter should be filed with the field office of the War Production Board in the district in which is located the plant or branch of the appellant to which the appeal relates.

(t) *Communications.* All communications concerning this order, except where specific reference is made therein to the contrary, shall be addressed to Construction Machinery Division, War Production Board, Washington 25, D. C.

Ref: L-192.

Issued this 7th day of March 1944.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

#### SCHEDULE A

Angledozers and modifications thereof  
Batchers, construction material  
Batching plants, construction type  
Bins, construction material, portable  
Bins, construction material stationary  
Brooms, contractors rotary  
Buggies and carts, concrete, hand operated  
Buggies and carts, concrete, power propelled  
Bulldozers and modifications thereof  
Chutes, concrete handling  
Concrete surfacing machines, highway type  
Conveyors, construction material, portable belt type and for portable plants  
Cranes, crawler mounted power  
Cranes, tractor mounted power and modifications thereof  
Cranes, rubber tired mounted power except freight handling lift trucks  
Crushers, jaw (sizes 9" x 14" to 30" x 44" openings, inclusive); except those intermediate sizes as indicated in Schedule D (Ref: L-217), and except those sizes of a type designed exclusively for mining and smelting  
Crushers, roll, construction aggregates, portable type, except those sizes and types as indicated in Schedule D (Ref. L-217)  
Crushing plants, portable type  
Derricks, guy, contractors and material handling, stationary type

Derricks, stiff leg, contractors and material handling, stationary type  
Discs, road, harrow type for construction work  
Discs, road, wheel mounted type  
Distributors, bituminous  
Distributors, water (street sprinklers and flushers)  
Ditchers, blade  
Ditchers, ladder  
Ditchers, wheel  
Draglines (see cranes)  
Draglines, slack line  
Draglines, walking  
Dredges and dredge equipment, except mining  
Drilling machines, blast hole drills, churn drill type  
Drilling machines, portable water well, churn drill type  
Drilling machines, rock portable mounted  
Dryers, construction aggregate  
Earth boring machines, vertical auger type (except post hole diggers)  
Excavators (see power shovels)  
Finegraders and subgraders, self-propelled type  
Finishers, concrete paving  
Finishers, bituminous paving  
Finishers and rodding machines for wet concrete  
Forms, concrete road  
Graders, blade or pull type earth moving  
Graders, elevating earth moving  
Graders, self-propelled earth moving  
Graders, under truck type  
Grapples  
Hammers, pile  
Heaters, and circulators, tank car  
Hoists, contractor and material handling exceeding 6,000 pounds line pull at 250 FPM line speed or exceeding 1,300,000 foot pounds effort based on second wrap of cable  
Hoppers, portable concrete  
Jacks, mud  
Loaders, portable bucket (other than drag, flight or scraper type coal conveyors)  
Loaders, portable snow  
Logging arches, tractor drawn  
Maintainers, road  
Maintainers, shoulder  
Mixers, aggregate pulverizer  
Mixers, agitator concrete truck type, except those sizes and types as indicated in Schedule D (Ref. L-217)  
Mixers, concrete truck mounted with elevating towers  
Mixers, concrete construction, above 7 cubic feet except those sizes and types as indicated in Schedule D (Ref. L-217)  
Pavers, concrete  
Plants, stabilizing  
Plants, asphalt, including travel mix type  
Plants, bituminous patch, hot or cold mixer type (more than 10 ton per hour capacity)  
Plows, cable laying  
Plows, snow (rotary and blower types)  
Plows, snow (V and blade types—truck, tractor, grader or railroad mounted, including wings)  
Power control units for tractors (both cable and hydraulic)  
Pumps, concrete, except for well cementing  
Pumps, portable engine or electric-motor-driven pumping units mounted on skids, with or without handles, or trailer mounted larger than 90,000 gallons per hour, self-priming centrifugal pumps, horizontal or vertical triplex piston road pumps, ordinarily used for contractor's purposes or by contractors for dewatering and supply, except those sizes and types as indicated in Schedule D (Ref. L-217)  
Rippers, road  
Rollers, road pneumatic tired  
Rollers, road portable  
Rollers, tamping and sheepfoot  
Rollers, road tandem  
Rollers, road three wheeled

Scarifiers—complete machines not attachments  
Scrapers, carrying and hauling, both drawn and self-propelled, except sizes listed in Schedule D  
Screening plants, portable type  
Shovels, crawler mounted power  
Shovels, rubber tired mounted power  
Shovels, tractor mounted power  
Sprayers, (maintenance units) bituminous material (over 300 gallon capacity)  
Spreaders, concrete paving  
Sweepers, street  
Sweepers, street motor pick-up  
Towers, concrete placing  
Towers, material elevating  
Wagons, crawler trailer (contractors', logging cane, etc.)  
Wagons, logging (wheel type)  
Washing and screening plants, portable type  
Wheels, crawler trailer (complete assemblies)  
Winches, tractor mounted

#### SCHEDULE B

Backfill tampers  
Breakers, paving  
Buckets, clamshell<sup>1</sup>  
Buckets, concrete<sup>1</sup>  
Buckets, dragline<sup>1</sup>  
Buckets, orange peel<sup>1</sup>  
Buckets, scraper (bottomless) for dragline operation<sup>1</sup>  
Clay diggers  
Concrete surfacing machines, hand carried type  
Derricks, small stiff leg, guy, pole, tripod, and setter types with hand power hoists or winches of not over 4 ton maximum capacity  
Drills, jack hammer  
Drills, rock, except portable mounted  
Form tamping and pulling machines  
Heaters, asphalt surface  
Heaters, concrete mixer  
Hoists, contractors and material handling, hand type and power driven having specifications not exceeding 6,000 pounds line pull at 200 FPM line speed or not exceeding 1,300,000 foot pounds effort based on second wrap of cable  
Joint and crack filling machines  
Kettles, bituminous heating  
Mixers, concrete construction, 7 cubic feet and smaller; except those sizes and types as indicated in Schedule D (Ref. L-217)  
Mixers, plaster and mortar  
Paving breakers  
Plants, bituminous patch, hot or cold mixer type (10 ton per hour capacity and under)  
Post hole diggers, vertical auger type (power driven)  
Pumps, portable engine or electric motor driven pumping units, mounted on skids, with or without handles, or trailer mounted 90,000 gallons per hour and smaller self-priming centrifugal pumps, plunger pumps, or diaphragm pumps ordinarily used for contractors purposes or by contractors for dewatering and supply, excluding farm type, industrial type and underwriters approved fire fighting pumps; except those sizes and types as indicated in Schedule D (Ref. L-217)  
Screen, rotary, vibrator and gravity types, other than coal, mining, industrial or those for screening mud on well drilling, used as a component part of or replacement for a portable crushing, screening or mashing plant  
Sprayers, (maintenance units) bituminous material (300 gallon capacity and smaller)  
Spreaders, construction material  
Vibrators, concrete  
Winches, contractor (see hoists)

#### SCHEDULE C

[Revoked Jan. 10, 1944, and items transferred to Schedule A]

<sup>1</sup> This item may be purchased as a repair part if it is being purchased to replace a similar item that is worn out.

## SCHEDULE D

The manufacture of items of equipment appearing in Schedule D will be discontinued in accordance with paragraph (e) (2).

Any item to the extent prohibited by any schedule to Limitation Order L-217

Finegraders and subgraders, drawn type

Joint levelers

Scrapers, carrying and hauling, over 15 cu. yd. struck capacity

Scrapers, drag, fresno and rotary over 27 cubic feet (or one cubic yard) capacity except those under jurisdiction of Limitation Order 257

INTERPRETATION 1: Revoked Jan. 10, 1944.

[F. R. Doc. 44-3247; Filed, March 7, 1944; 11:16 a. m.]

## PART 3118—CONSUMERS' GOODS INVENTORIES

[Limitation Order L-219, Interpretation 3, as Amended Mar. 7, 1944]

The following interpretation is issued with respect to Limitation Order L-219.

(a) *Mercantile inventory.* A merchant may acquire such control over consumers' goods for the purpose of sale that he is required to include them in his mercantile inventory under Order L-219 even though he neither has legal title to the goods nor holds them on consignment or on memorandum for sale. The following are examples (not intended to be exhaustive) of situations in which a merchant has such control over consumers' goods that he is required to include them in his mercantile inventory:

*Examples.* (1) *A clothing retailer states:* A manufacturer has shipped apparel to him in advance of the shipping date specified by the retailer. It is difficult for him to return the goods. If he accepts the shipment, his receipts will become restricted under paragraph (d) (1) of the order.

*He inquires:* Whether, with the manufacturer's approval, the goods may be stored in a local warehouse in the manufacturer's name and excluded from the retailer's mercantile inventory until he is ready to accept delivery.

*The answer is:* The facts outlined suggest that, despite the use of the manufacturer's name for storage purposes, it is understood by the manufacturer and the retailer that the goods while so stored will remain subject to the retailer's control and disposition in all material respects and that essentially the storage is for the retailer's account. If that inference is correct, the goods must be considered as part of the retailer's mercantile inventory when they are so stored.

(2) *A retailer states:* He has arranged for a jobber to purchase from a manufacturer certain diamonds selected by the retailer. The jobber is to sell the diamonds so purchased to the retailer. The terms of the sale from the jobber to the retailer include postponement of delivery and payment. The retailer undertakes to specify the time for delivery within a period agreed upon and to make payment upon delivery. The transaction is subject to the condition that if the retailer is unable, by reason of Order L-219, to take delivery within the time agreed upon, the transaction will not be considered at an end, but the delivery date will be extended until such time as the retailer can take delivery without violating the order.

*The retailer inquires:* Whether he may exclude the diamonds from his mercantile inventory until he accepts delivery from the jobber.

*The answer is:* The facts indicate that in making the purchase from the manufacturer

the jobber is merely acting as an agent for the retailer. Further, under the agreement described, prior to delivery to the retailer, the jobber would in effect be storing the goods for the retailer's account until such time as the retailer requested delivery. It follows that the retailer's control over the goods is such that he must include them in his mercantile inventory at the time the jobber acquires them from the manufacturer.

(3) *A controlled merchant states:* He operates a department store. He proposes to make a loan to a wholesale perfumer and to take as security boxes of perfume which are to remain in the possession of the wholesaler. He has agreed with the wholesaler that the loan will be paid before Christmas by transfer of the security from the wholesaler to the retailer.

*The merchant inquires:* Whether he must include these boxes of perfume in his mercantile inventory under Order L-219, prior to the time they have been transferred to him in payment of the loan he has made to the wholesaler.

*The answer is:* If the transaction is a genuine loan, the retailer is not required to include the perfume in his mercantile inventory until the perfume is transferred to him. Whether the transaction is a genuine loan depends not merely on the form of the transaction but on the intent and effect of the parties' agreement. For example: If in a falling perfume market the retailer could insist upon the payment of the loan in cash and refuse to accept the perfume in extinguishment of the debt, or if in a rising market the wholesaler could insist on paying the loan in money, then the transaction has the characteristics of a genuine loan. The form of a loan may, however, disguise a present sale with delivery postponed. In that event if, considering the situation of the parties and the business involved, it appears that as a practical matter the true effect of the transaction is to transfer immediately to the retailer unqualified control over the perfume, then it must be included in the retailer's mercantile inventory at the time the agreement is made.

(4) *A controlled merchant states:* That his inventory on May 1 included certain consumers' goods which he held on consignment for sale. On July 30 he shipped the consigned goods back to the owner. On August 2, the owner returned the goods to him.

*The merchant inquires:* Whether he may exclude the merchandise involved from his mercantile inventory on August 1, and thereby avoid having his receipts restricted under paragraph (d) (1) of the order.

*The answer is:* While the merchant went through the form of returning the goods, the facts outlined indicate that he did so pursuant to an understanding with the owner that the return was not to be an abandonment of the consignment and that the owner would ship the goods back to the merchant after the first of the month. If that inference is correct, then there was no genuine return but rather the use of a purported return as a device to evade the order, while the actual relations of the parties with respect to the goods remained essentially unchanged. The merchant retained control over the merchandise in all essential respects. Under such circumstances the merchant is required under Order L-219 to treat such goods as part of his mercantile inventory on August 1.

(b) *Factory inventory.* The meaning of the words "immediate vicinity" as used in paragraph (a) (2) (i) of Order L-219 is governed by the purpose of the transfer of goods to storage, as well as the distance of the storage place from the factory. If goods are transferred from the factory to a warehouse in the same general area for storage and ultimate distribution without regard to geo-

graphical location of customers, then such goods would be considered "factory inventory." If the transfer of goods from factory to warehouse is made because of convenience to channels of distribution, then such goods would be considered "mercantile inventory." Movement of goods within the same wholesale center does not usually constitute a change in classification from factory to mercantile inventory. However, each case must be examined individually in the light of the facts peculiar to the specific operation.

(c) *Piece goods and other consumers' goods manufactured from piece goods.* Piece goods such as silks, velvets, rayons and synthetics, woolens, cottons, linens, mixtures, wash goods and linings, are consumers' goods under the order. (See List B of the order.)

Piece goods become part of a merchant's mercantile inventory under the order, under the following conditions:

(1) In the hands of the manufacturer of the piece goods the determination of when they must be treated as mercantile inventory rather than factory inventory is governed by paragraphs (a) (2) and (a) (12) of the order.

(2) Piece goods held for sale as piece goods by a merchant who did not manufacture such goods are part of his mercantile inventory. This rule applies even though the merchant is a wholesaler who sells bolts of piece goods only to apparel manufacturers. Since sales of piece goods to individual ultimate consumers for personal or household use are customarily made from piece goods which retailers buy in bolts, the fact that a wholesaler does not sell his piece goods to individual ultimate consumers does not change the nature of the piece goods while he holds them for sale. (See paragraph (h) of Interpretation No. 1 to Order L-219, issued May 8, 1943.) Hence, the wholesaler is required to treat the piece goods he holds for sale as part of his mercantile inventory under the order.

(3) When a merchant holds piece goods which he intends to manufacture or to have manufactured into other consumers' goods which he will hold for sale, the following rules apply to the piece goods and to the other consumers' goods:

(i) If he does not customarily sell such other consumers' goods to other merchants and his practice is confined to selling such other consumers' goods to individual ultimate consumers through stores which he owns or controls, then his piece goods are part of his mercantile inventory under the order. Likewise the other consumers' goods made from such piece goods are part of his mercantile inventory regardless of their physical location.

(ii) If the merchant customarily sells the other consumers' goods which he manufactures or causes to be manufactured from his piece goods to other merchants in addition to selling such other consumers' goods to individual ultimate consumers through his own store or stores which he controls, then his piece goods are not part of his mercantile inventory under the order. However, if he is the manufacturer of such other consumers' goods (manufactured from his piece goods) then he must include them in his mercantile inventory when they are transferred from his factory inventory to a stock-carrying branch warehouse or to stores which he owns or controls (paragraph (a) (12) of the order). If he is not the manufacturer of the other consumers' goods but is, for example, a contract-employer such as a dress jobber, the method of determining when such other consumers' goods are mercantile inventory and when they are factory inventory is explained in paragraph (i) of Interpretation No. 1, issued May 8, 1943.

(d) *Converters.* A merchant inquires whether Order L-219 applies to the convert-

ing trade. The answer is that if the converter merely converts unfinished goods which he does not own into finished consumers' goods for the account of the owner and returns the goods to the owner, then the converter is not subject to Order L-219. A converter who operates in that fashion does not hold consumers' goods for sale and, hence, he has no mercantile inventory under paragraph (a) (2) of the order. However, if the converter is also engaged, or is solely engaged in finishing his own goods and in marketing such goods, then his operations are governed by paragraphs (a) (2) (1) and (a) (12) of the order. These paragraphs define the circumstances under which goods manufactured by a merchant become part of his mercantile inventory and subject to control if the merchant meets the requirements of paragraph (a) (4) of the order.

(e) *"Goods in transit" and "business day"* (paragraph (a) (2) (iii) of Order L-219). If it has been a merchant's regular practice to include in inventory goods in transit, he must continue to do so under Order L-219. If it has been the merchant's practice to exclude goods in transit from his inventory, he must, nevertheless, include in his inventory at the beginning of a quarter goods which he received up to 12:01 a.m. of the last day of the month preceding the beginning of the quarter. This rule is not changed by the fact that the last day of the month may be a Saturday and that the merchant's premises may be closed on Saturdays. The provision of paragraph (a) (2) (iii) of the order that goods shall cease to be considered in transit "not later than one business day after they are delivered to a merchant on his premises," etc., was not included for the purpose of allowing a merchant an extra day of sales to set off against his receipts. Rather, it was provided as a convenient cut-off period for accounting purposes, since in many cases receipts of merchandise are not checked by receiving-room personnel for days after such goods have been delivered.

(f) *"In transit"* (paragraph (a) (2) (iii) of Order L-219). If a controlled merchant who has bought consumers' goods stops their carriage for the purpose of storing the goods with the carrier and receiving the shipment in inventory at a later time, the goods will cease to be considered in transit not later than one business day after the merchant has stopped the shipment.

(g) *Repossessed, replevined, abandoned merchandise and "trade-ins".* In dealing with these goods under the order, a controlled merchant must be guided by the requirements of paragraph (j) of the order. This provision requires the merchant in his current computations and for all other purposes of the order, to treat the goods in a manner which follows and is consistent with his base period practice. Thus, with respect to repossessed, replevined or abandoned merchandise: If it was the merchant's practice during his base period to cancel the sales when the goods were retaken, then the goods need not be included in the computation of his receipts of consumers' goods under the order, although they become part of his mercantile inventory. If it was not his practice to cancel the sale of goods so retaken, then they must be included in the computation of his receipts under the order. With respect to "trade-in" merchandise: If in his base period practice the merchant deducted the value of "trade-ins" from his net sales, then the "trade-ins" need not be included in the computation of his receipts, but do become part of his mercantile inventory. On the other hand, if he did not deduct the value of "trade-ins" from his net sales under his base period practice, then the "trade-ins" must be included in the computation of his receipts under the order.

(h) *Goods "held for sale".* A merchant holds goods for sale within the meaning of

paragraph (a) (2) (iv) of the order even though he has transferred possession to another person if: Such other person is not to use the goods or to sell them to a third party but is to deliver them either back to the merchant for sale or to the merchant's customers.

(i) *Services.* Question: Paragraph (a) (1) of Order L-219 states that goods used in rendering personal services, such as shoe repairing, are not included in the term "consumers' goods" for the purposes of the order. What other services illustrate this provision?

*Answer:* Radio maintenance and repair, appliance maintenance and repair, hem-stitching, monogramming, fur repair, fur storage, hosiery repair, jewelry repair, shoe shining, beauty parlor and barber shop services, magazine subscription service, photo-finishing and portrait photography, typewriter repair, optical service and prescription grinding, and compounding of prescription medicines.

(j) *Segregation* (paragraph (1) (1) of Order L-219). Question: If a merchant finds it is impracticable to segregate consumers' goods from materials used in rendering services in keeping his records, making his computations and in other matters under the Order, how should he treat them?

*Answer:* He must include them in his mercantile inventory. In that case, the price charged for the service for which they are used is a part of the selling price, the amount of which is likewise to be included in net sales. The treatment of such matters in compiling the current figures must be consistent with their base period treatment.

(k) *Consumers' goods.* The following goods are considered as consumers' goods even though the inventories are held in and the sales are made through service departments, or the operations involved have some features resembling services:

(1) Cosmetics, other than those used in rendering beauty parlor services.

(2) Cameras, picture frames, roll films and other photographic supplies.

(3) Radio receivers, loudspeakers, tubes, batteries, aerials, and other electrical products; also repair parts suitable for sale to consumers for making repairs at home, even though at times used also in rendering repair services.

(4) Men's custom clothes.

(5) Fresh flowers.

(6) Draperies.

(7) Carpets and linoleum.

(8) Medicines suitable for sale to consumers without further compounding, even though at times used also in prescription work.

(9) Stationery and related items stocked in a form suitable for sale to consumers without further processing, even though at times used in printing to the customer's order.

(10) Industrial uniforms sold on a drop shipment basis (see paragraph (a) (5) of the Order).

(11) Binoculars, sun glasses and spectacle frames.

(12) Apparel, even though altered to fit.

(13) Custom-made fur coats.

(14) Typewriter ribbons.

(15) Leather straps, metal bands, bracelets and similar attachments, used to hold a watch on the wrist.

(16) Wallpaper.

(l) *Fur skins and trimmings.* Fur skins which have not been made up into finished articles of apparel are not consumers' goods. Fur trimmings are consumers' goods.

(m) *Watch movements and cases.* Uncased watch movements and empty watch cases are not consumers' goods.

(n) *Mountings and unset stones.* Loose precious stones and mountings in which

stones have not yet been set are consumers' goods.

(o) *Diamonds sold in "papers" (List A).* Wholesale diamond merchants may consider a "paper" of diamonds as one unit in determining whether they qualify for exemption under paragraph (b) (1) of the order, on the ground that more than 50 per cent of their business is done in jewelry selling at \$200 or more per piece: *Provided*, That

(1) The wholesaler's sale of diamonds in such "papers" is consistent with his customary practice, and

(2) That the "paper" of diamonds is offered to the retailer as a "paper" and the retailer is not permitted to select and purchase some diamonds from the "paper" and reject the balance.

(p) *Gas (List A).* Gas, whether natural, manufactured, or mixed, is considered a miscellaneous heat or power fuel for purposes of List A of Order L-219. Any merchant more than fifty per cent of whose aggregate net sales of all kinds of goods during his most recently completed inventory year were sales of gas is exempt under paragraph (b) (1) of Order L-219. Thus, under paragraph (f) (1), a gas utility would compute the percentage of its sales of gas and any other items on List A to total sales for all stores, branches, divisions and sections of its enterprise under common control or ownership. If more than fifty per cent of its total sales were of gas or of other items on List A, this utility would be exempt and would not be required to limit inventories in the appliance division of its business.

(q) *Tolerance (paragraph (c) (1) of Order L-219).* Question: If a controlled merchant maintains mercantile inventories in both the East and the West, how should the "tolerance" factor be applied?

*Answer:* If inventory records are available by geographic areas and inventories are valued at cost:

(1) Take the percentage of the total inventory at the beginning of the quarterly period in the Mountain and Pacific Time Zones, and in the Central and Eastern Time Zones. *Example:* Total inventory at the beginning of the fourth quarterly period \$250,000. Inventories held in the Mountain and Pacific Zones, \$100,000 or 40 per cent of total; in the Eastern and Central Time Zones, \$150,000 or 60 per cent.

(2) Apply the percentages calculated, according to the instructions above, to the computed "normal inventory". *Example:* Computed "normal inventory" at the beginning of the fourth quarterly period, \$200,000. "Normal inventory" apportioned to the Mountain and Pacific Time Zones \$80,000 (40% of \$200,000) and to the Eastern and Central Time Zones \$120,000 (60% of \$200,000).

(3) Apply the 15% tolerance to that portion of the normal inventory allotted to the West (15% of \$80,000) and 10% tolerance to the portion allotted to the East (10% of \$120,000).

(4) Add the figures thus obtained (\$12,000 and \$12,000) to the normal inventory (\$200,000) to secure the inventory limit for the business (\$224,000). If the inventories are at retail value instead of at cost, apply tolerances of 13% and 8% respectively instead of 15% and 10% (paragraph (1) (1) of the order). If no inventory records are available by geographic areas, write to the War Production Board for instructions, describing the records which are available on a geographic basis.

(r) *Carry-overs of "allowable receipts".* A merchant may "carry-over" from one month of a quarterly period to the next month of that quarterly period any unused portion of his allowable receipts allocated to that month.

*Example:* Merchant A had allowable receipts for July (of his July-August-Septem-

ber quarterly period) amounting to \$110,500. His actual receipts during July were \$109,200. His unused allowable receipts are therefore \$1,300. The portion of his allowable receipts allocated to August was likewise \$110,500. However, he may "carry-over" or add to the \$110,500 allowable receipts originally allocated to August, the unused portion of his July allocation. Thus, his allowable receipts for August will, under these conditions, equal \$111,800 (\$110,500 plus \$1,300). A merchant may in no event, however, receive more than one-third of his allowable receipts during the first month of the quarterly period and he may not receive more than two-thirds of his allowable receipts during the first two months of such quarterly period (paragraph (d) (2) of Order L-219).

(s) "Allowable receipts" must not be exceeded. After a merchant whose receipts are restricted under paragraphs (d) (1) and (d) (2) has exhausted his allowable receipts for a month, he must not receive any more goods into stock during the remainder of that month. At such times, he must refuse all delivery of consumers' goods.

*Question:* May a merchant exceed his "allowable receipts" if his current sales trend indicates that his actual sales will be greater than his "projected sales"?

*Answer:* Under no conditions may a merchant exceed his "allowable receipts" without violating the provisions of Order L-219.

(t) Wholesaler-sponsored voluntary chains. Each independent merchant in a wholesaler-sponsored voluntary chain must treat his business as an independent enterprise for all purposes of Order L-219.

(u) Leased departments. An independent operator of a leased department must segregate his sales, inventories and receipts of merchandise from those of the lessor (department store, etc.) for all purposes of the order. If he operates a chain of leased departments he must consolidate his records for the entire chain for all purposes of the order (paragraph (f) (1) of the order).

(v) Three-way exchange (paragraph (n) (1) of Order L-219). Subject to paragraph (n) (1) of Order L-219, a controlled merchant whose receipts are restricted may make exchanges of consumers' goods with other persons. Such exchanges may be effected between three as well as between two merchants, for example: Merchant A transfers blankets to Merchant B, Merchant B transfers rugs to Merchant C and Merchant C transfers toys to Merchant A. This transaction involves three exchanges, viz: Merchant A has exchanged blankets for toys, Merchant B has exchanged rugs for blankets, Merchant C has exchanged toys for rugs.

(w) Special sales effected outside a merchant's ordinary method of doing business (paragraph (n) (2) of Order L-219). *Question:* What is meant in paragraph (n) (2) of the order by a special sale effected outside a merchant's ordinary method of doing business?

*Answer:* In each case it depends upon the fields of business operation of the merchant and the purchaser and upon those features of the transaction which differentiate it from sales of the type customarily made by the merchant. Generally speaking, the sale must meet the following requirements:

(1) It must be made "cross stream" or "up stream." That is, it must be made to a person on the same or a higher distributive level, such as a sale by: A retailer to another retailer; a retailer to a wholesaler or manufacturer; a wholesaler to another wholesaler or to a manufacturer. And

(2) It must be made to a purchaser who is not in the same field of business operation as the customers to whom the seller makes

sales in the regular course of business. For example, a sale by a hosiery wholesaler would not be a special sale if the seller is regularly engaged in selling to the wholesale as well as to the retail trade.

In all cases, the sale must be absolute, that is, there must be no understanding or agreement providing for return of the goods to the vendor or for retention by the vendor of any control over the goods.

(x) Special sales for cash plus merchandise. Under paragraph (n) (2) of the order a merchant who sells part of his mercantile inventory by sales effected outside of his ordinary method of doing business for a consideration consisting of cash and other merchandise may apply for an increase of his allowable receipts to the extent of the cash consideration.

(y) Increase of allowable receipts under paragraph (n) (2) is discretionary. *Question:* Does paragraph (n) (2) of the order give the merchant an absolute right to an increase of his allowable receipts to the extent of sales which he has made under the conditions outlined in that paragraph?

*Answer:* No. The War Production Board may, in its discretion, grant or refuse an increase of allowable receipts requested under paragraph (n) (2).

(z) Receipts of goods. Under paragraph (a) (12) of the order a merchant may deduct from the cost value of his receipts of consumers' goods the cost value of goods which he returns in good faith to his vendors because the goods are defective or are otherwise not in accordance with the specifications of his order. However, a merchant who exceeds his allowable receipts is not excused from such violation of the order by returning goods after he has accepted delivery. A merchant may not accept delivery of merchandise if his actual receipts will thereby exceed his allowable receipts.

However, a merchant whose receipts are restricted may, under paragraph (n) (2) of the order, make a "cross stream" or "up stream" sale. This includes a sale by the merchant back to his vendor. While the merchant does not have the right to deduct the consideration for such a sale to his vendor when reporting his receipts under the order, or the right to increase his allowable receipts to the extent of the consideration received for such sale, he may, as provided in paragraph (n) (2) of the order apply to the War Production Board for such an increase of his allowable receipts. (See paragraphs (w), (x) and (y) of this Interpretation.)

(aa) Effect under Order L-219 of acquisition of a new store by a controlled merchant. (1) When he intends to continue the store purchased as a going business:

If the purchaser's receipts are not restricted under the order during the quarter in which the purchase occurs, the order places no restrictions on the receipts of the two stores during the remainder of the quarter. However, beginning with the next quarter, the merchant is required, under paragraph (f) (1) of the order to consolidate the current and base period data of the store he acquired with the records of his original store in all of his computations and other matters under the order.

If the receipts of the purchaser are restricted under the order to his allowable receipts during the quarter in which the purchase is made, he must adopt one of the following two courses:

(1) He may treat the stock of consumers' goods in the store he has purchased as receipts, and report them as such when reporting his receipts of consumers' goods for the quarter. However, he may not follow this method if the addition of the cost value of the stock of the new store will cause his

receipts to exceed his allowable receipts for the quarter.

(ii) He may in his computations and in all other matters under the order treat the two stores as separate enterprises until the beginning of the next quarter. If at the time of the purchase the receipts of the enterprise he purchased were restricted under the order he must also confine the receipts of that enterprise to its allowable receipts for that quarter. If he adopts this method (treating each store separately) he may, subject to paragraph (n) (1) of the order exchange stock between the two stores. However, he must include in his computation of the receipts of each store the excess, if any, of the cost value of the goods it receives over the cost value of the goods it transfers. Goods so transferred may not be included in the net sales of either store. Regardless of which of these two courses he follows during the quarter in which the purchase occurs, he must, beginning with the next quarter consolidate the records of the two stores as provided in paragraph (f) (1) of the order.

(2) When the purchaser intends to discontinue the operation of the store he purchases:

The merchant's sole purpose in making the purchase may be to remove the stock of the store purchased and add such stock to his own. If those are the only facts involved, then the purchase of the consumers' goods in the stock of the store acquired must be treated under the order in the same manner as any other consumers' goods purchased by the merchant. If the purchaser's receipts are not restricted under the order, there is no restriction upon his acquiring the new stock. On the other hand, if the purchaser is restricted to his allowable receipts for the quarter, he may not acquire merchandise in such amount that his receipts will exceed his allowable receipts. However, the purchase of a store which the merchant intends to discontinue as a going business may involve the purchase of the name, the good will, the accounts, etc., of the store acquired. It may also involve the continuance in some measure of the identity of the business acquired by the merchant who makes the purchase. This may be true, even though the store acquired is discontinued as a going business at its former location. In the situation described, the order does not give the merchant the right to compute on a consolidated basis his inventory-sales ratios, his sales ratios, or his projected sales. Accordingly, if facts of the type outlined should be involved, the merchant should appeal under paragraph (q) (3) of the order for permission to make appropriate adjustments of his computations based upon the necessities of his new situation.

(bb) Common ownership or control under paragraph (f) (1). Paragraph (f) (1) of the order requires consolidation of the reports and records of enterprises "under common ownership or control without regard to corporate or other distinctions between such enterprises." Under this provision, enterprises, whether conducted by partnerships, corporations, or otherwise, must consolidate their records under the order where there is common ownership or control, even though the ownership or the control of the enterprises involved is not identical. Each case is to be determined on the basis of the facts involved.

Issued this 7th day of March 1944.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 44-3248; Filed, March 7, 1944;  
11:16 a. m.]

PART 3288—PLUMBING AND HEATING EQUIPMENT

[Limitation Order L-79, Direction 1]

PLUMBING, HEATING AND COOKING EQUIPMENT

The following direction is issued pursuant to Limitation Order L-79.

This direction serves to assist holders of AA-3 ratings, such as the National Housing Agency, in obtaining plumbing, heating and cooking equipment under orders rated AA-3 and placed before January 15, 1944.

As amended January 15, 1944, Limitation Order L-79 provides for the up-rating to AA-3 of certain rated orders placed before that date. All orders bearing a preference rating of AA-3 which were placed prior to January 15, 1944 shall, however, maintain their priority over orders so up-rated under Limitation Order L-79. The provisions contained in Priorities Regulation 12 relative to the effective date of rerating are modified to the extent necessary to give effect to this direction.

Issued this 7th day of March 1944.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 44-3249; Filed, March 7, 1944;  
11:16 a. m.]

PART 3288—PLUMBING AND HEATING EQUIPMENT

[General Limitation Order L-107, as amended Mar. 7, 1944]

EXTENDED SURFACE HEATING EQUIPMENT

§ 3288.36<sup>1</sup> General Limitation Order No. L-107—(a) Definitions. For the purpose of this order:

(1) "Extended surface heating equipment" means a heat transfer element or any apparatus employing a heat transfer element, designed and constructed for space heating or for industrial heating or drying, and includes, but is not limited to unit heaters, unit ventilators, convectors, blast heating coils and special heating coils. Extended surface heating equipment shall not include heaters for automotive vehicles or aircraft, jacket water coolers for internal combustion engines or critical heat exchangers as defined in Limitation Order L-172 or General Scheduling Order M-293 Table 6 or any device using electricity or any fluid (liquid, gas or vapor) other than steam or hot water as the heating medium, nor any machinery or equipment described in paragraph (e) of this order.

(2) "Heat transfer element" means any device made of metal, of fin-tube construction, designed and constructed for the purpose of transferring heat from steam or water to air. Heat transfer element shall not include any cast iron radiation device designed and constructed for the purpose of transferring heat from steam or water to air, or any device of similar construction designed and constructed for decreasing the temperature of air. Heat transfer element shall include, but is not limited to a heat transfer element designed and constructed as a component part of any machinery or

any equipment described in paragraph (e) of this order.

(3) "Repair order" means any order for any part or accessory used to replace any similar part or accessory of extended surface heating equipment required by actual or imminent breakdown of such equipment.

(4) "Producer" means any person who manufactures, fabricates or assembles extended surface heating equipment or heat transfer elements.

(5) "Approved order" means:

(i) Any order which bears a preference rating of AA-5 or better, and a date for delivery specified by the person who has placed the order; or

(ii) Any repair order as defined in paragraph (a) (3) of this order; or

(iii) Any order which has been accepted by a producer prior to August 7, 1943.

(b) *Restrictions on delivery.* On and after the 7th day of August, 1943 no person shall make physical delivery of any extended surface heating equipment except pursuant to an approved order.

(c) [Deleted Mar. 7, 1944]

(d) *Simplification schedules.* The War Production Board may, from time to time, issue schedules establishing simplified practices with respect to types, sizes, forms, specifications or other qualifications for any extended surface heating equipment. From and after the effective date of any such schedule, no such equipment shall be manufactured, fabricated or assembled or delivered by or accepted from any manufacturer except in conformity with the issued schedule, and except as specifically permitted by such schedule.

(e) *Excepted machinery or equipment.* Machinery or equipment, listed in this paragraph, is not subject to the restrictions of this order, except for the heat transfer elements of such machinery or equipment.

(1) Any refrigeration and air conditioning equipment as defined in Limitation Order L-38; or

(2) Any commercial laundry machinery as defined in Limitation Order L-91; or

(3) Any industrial machinery or equipment now specifically restricted or limited as to production or delivery by any order issued by the War Production Board, except that any heat transfer element designed and constructed as a component part of such machinery or equipment shall be subject to the restrictions of this order.

(f) *Reports.* Each producer shall execute and file with the War Production Board such reports as the War Production Board may specify from time to time, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(g) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(h) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate with the Field Office of the War Production Board

for the district in which is located the plant or branch of the appellant to which the appeal relates. The letter shall refer to the particular provision appealed from and state fully the grounds of the appeal.

(i) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Plumbing and Heating Division, Washington 25, D. C., Reference L-107.

(j) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board as amended from time to time, except as otherwise provided herein.

(k) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 7th day of March 1944.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 44-3250; Filed, March 7, 1944;  
11:16 a. m.]

PART 3288—PLUMBING AND HEATING EQUIPMENT

[Limitation Order L-107, Schedule I, as Amended, Mar. 7, 1944]

EXTENDED SURFACE HEATING EQUIPMENT

§ 3288.37<sup>1</sup> Schedule I to Limitation Order L-107—(a) Definitions. For the purpose of this schedule:

(1) "Unit heater" means any extended surface heating equipment which is a factory made assembly and which consists of a heating element and a motor driven fan or blower (or fans or blowers) enclosed in a casing having an air inlet and an air outlet, designed to be placed within or adjacent to a space to be heated and to heat such space by circulating air within it.

(2) "Unit ventilator" means any extended surface heating equipment which is a factory made assembly and which consists of a standard (single tube) heating element with by-pass and temperature regulation dampers, or a distributing tube heating element without by-pass and temperature regulating dampers, a motor driven fan or blower (or fans or blowers) and fresh air regulation damper (or dampers) enclosed in a casing having a fresh air inlet and an air outlet and designed to be placed within or adjacent to a space to be heated, and to heat and ventilate such space by circulating air through it.

<sup>1</sup> Formerly Part 1202, § 1202.2.

<sup>1</sup> Formerly Part 1202, § 1202.1.

(3) "Convector" means any extended surface heating equipment which consists of a heat transfer element enclosed in a cabinet or casing which has an air inlet and an air outlet, and which cabinet or casing serves as a stack to accelerate the circulation of air through the heating element.

(4) "Blast heating coil" means any heat transfer element designed for installation in duct work, for space heating or for drying purposes.

(5) "Special heating coil" means any extended surface heating equipment or any heat transfer element which is not a unit heater, unit ventilator, convector, or blast heating coil as defined in paragraph (a) (1), (2), (3) and (4) of this schedule, and includes, but is not limited to, a convector-radiator or finned-pipe, or any heat transfer element specifically designed for incorporation by a person other than the producer, into extended surface heating equipment or into any other equipment or machinery.

(6) "Standard size unit heater" means a unit heater having certain overall physical dimensions, as specific heating element and a specific fan (or fans), which will develop a specific BTU output per hour heating capacity with free air delivery, when supplied with steam at two (2) pounds pressure per square inch and air at 60 degrees Fahrenheit, and when equipped with a specific single-phase, 60 cycle A. C. electric motor arranged to drive the fan (or fans) at a specific speed.

A standard size unit heater shall not be deemed to be changed;

(i) When the BTU capacity is altered by use of any attachments or appurtenances or by use of an electric motor driven by current other than single-phase 60 cycle A. C.: *Provided*, That when another current is used the speed of the motor shall approximate the speed attained with a single-phase 60 cycle A. C. motor; or

(ii) In the case of any large housed blower unit by the substitution of a tube-within-a-tube heat transfer element of no greater heating capacity than that replaced.

(7) "Modified size unit heater" means a standard size unit heater which has been altered by substituting for its heat transfer element one having less surface, for the purpose of lowering the temperature of the discharged air, when the unit heater is to be operated with steam at a pressure of 30 or more pounds per square inch.

(b) *Simplified practices.* Pursuant to Limitation Order L-107 the following simplified practices are established for the manufacture, fabrication or assembly of extended surface heating equipment:

(1) *Unit heaters.* (i) Manufacture, fabrication or assembly by any producer, is limited to horizontal propeller fan type, vertical propeller fan type, large housed blower type, and small cabinet blower type;

(ii) Heat transfer elements known as double-tube or tube-within-a-tube coils are permitted only in standard size large housed blower type unit heaters, and

then only if all temperature regulation dampers are omitted;

(iii) Manufacture, fabrication or assembly by any producer is limited to not more than 48 sizes, of which not more than 24 shall be standard size unit heaters, and not more than 24 shall be modified size unit heaters: *Provided*, That no more than 10 standard size unit heaters and 10 modified size unit heaters may be made in any one of the following three types; horizontal propeller fan type, vertical propeller fan type, and large housed blower type; *And provided, further*, That not more than two standard size unit heaters may be made in the small cabinet blower type;

(iv) Not more than one model of any one size may be made, but a model will not be deemed to be changed by the inclusion or omission of attachments or accessories such as dampers or filters, or in case of a large housed blower type unit by the substitution of a double-tube or a tube-within-a-tube for a single tube heat transfer element;

(v) No horizontal propeller fan type unit heater shall be made smaller than 24,000 BTU per hour output capacity;

(vi) No vertical propeller fan type unit heaters shall be made smaller than 144,000 BTU per hour output capacity;

(vii) No large housed blower type unit heater shall be made smaller than 216,000 BTU per hour output capacity;

(viii) No small cabinet blower type unit heater shall be made larger than 150,000 BTU per hour output capacity.

(2) *Unit ventilators.* (i) Manufacture, fabrication or assembly, by any producer, is limited to six sizes based upon rated c. f. m. free air delivery capacity (A. S. H. V. L. standard anemometer test), not more than four of which shall be other than the so-called cabinet schoolroom type. Not more than two different sizes of heating elements shall be used in any given size of unit ventilator;

(ii) So-called cabinet type, schoolroom unit ventilators shall be made only with free-standing cabinets without special provisions for recessing in wall construction.

(3) *Conectors.* (i) Manufacture, fabrication or assembly by any producer is limited to not more than 20 sizes of heat transfer elements. Nominal depths shall not be other than 6, 8 or 12 inches;

(ii) Not more than two styles of and headers shall be used for all sizes of connectors, regardless of the type or size of pipe connections;

(iii) Cabinets for any use except in hospitals for mentally disturbed patients shall be limited to three heights and shall be either free standing or wall hung models without special provisions for installation in wall recesses. Only one style of damper, and one style of grille is permitted, and only one grille may be provided for any connector cabinet.

Connector cabinets used in hospitals for mentally disturbed patients may be produced to conform with the specified needs of such installations.

(4) *Blast heating coils.* (i) Manufacture, fabrication or assembly by any producer of any single tube blast heating coil is limited to not more than five widths (or heights), of which at least two shall be small "booster" coils;

(ii) Manufacture, fabrication or assembly by any producer of any double-tube or tube-within-a-tube blast heating coil is limited to not more than three widths or heights;

(iii) Tubes for such coils shall not be of any but the following nominal lengths:

	INCHES
12	36
15	42
18	48
21	54
24	60
30	66
	144;

(iv) Such coils shall be only of types with one or two rows of tubes;

(v) Such coils shall be made in not more than two different numbers of fins per inch of length.

(5) *Special heating coils.* Manufacture, fabrication or assembly by any producer is limited to those sizes, types and designs produced by him on or before the 28th day of July 1943.

(6) Alloys used for coating heat transfer elements or parts thereof shall not contain more than seven percent of tin by weight.

(7) Casings, enclosures and parts thereof shall not contain any metal other than iron and steel and, except for small fittings, shall not be coated with any metal other than lead, or metal which may be a part of a paint mixture, provided such use of such metal is not prohibited by any order of the War Production Board.

(8) Electric motors shall be single speed types only. Direct current motors used with belt driven equipment shall have a rated speed of 1800 R. P. M.; alternating current motors so used shall have not more than four poles.

(9) The use of copper, copper base alloy or aluminum in extended surface heating equipment is prohibited except when used in accordance with Conservation Order No. M-9-c or any Order in the M-1 series.

(c) *General exceptions.* The provisions of this Schedule shall not apply to any extended surface heating equipment manufactured, fabricated or assembled on a contract, sub-contract or purchase order for delivery to or for the account of the Army, Navy, Maritime Commission or War Shipping Administration of the United States for use on ships, including floating drydocks.

(d) *Selection and report of models and sizes.* Each producer of extended surface heating equipment shall determine the models and sizes of the various kinds of extended surface heating equipment which he proposes to manufacture, fabricate, or assemble under this Schedule, and shall report to the War Production Board on Form WPB 1902 (PD-754), on or before the 27th day of August, 1943, a complete description of each model and size to be manufactured, fabricated or assembled. Each producer shall

thereafter produce only those models and sizes so reported, unless written permission is received from the War Production Board to produce any other models or sizes than those reported. This reporting requirement has been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(e) *Repair parts.* Nothing in this schedule shall restrict the manufacture or shipment of repair parts for any extended surface heating equipment.

(f) *Effective date of simplified practices; exceptions; report.* (1) On and after the 26th day of September, 1943, no extended surface heating equipment (except repair parts), which does not conform to the simplified practices established in this schedule, shall be produced or delivered by any producer or accepted by any person from any producer: *Provided, however,* That except as noted in (2) below, the foregoing shall not prohibit the delivery by any producer or acceptance by any person of such extended surface heating equipment not in conformity with these simplified practices, his stock in finished form on the 26th day of September, 1943, or which can be assembled into completed equipment from cast, machined or otherwise processed materials in the producer's inventory on said date.

(2) No extended surface heating equipment, the heat transfer elements of which are made of copper or copper base alloy, shall be delivered by any producer or accepted by any person from any producer, except in accordance with the provisions of Conservation Order M-9-c as amended from time to time.

(3) Each producer shall report in a letter on or before the 27th day of August, 1943, the number and size of each type of extended surface heating equipment defined in this schedule not in conformity with the provisions of this schedule and which he has produced or will produce and offer for sale on and after the 26th day of September, 1943. The War Production Board may thereupon take such action, with respect to such extended surface heating equipment, as it deems advisable. This reporting requirement has been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued this 7th day of March 1944.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 44-3251; Filed, March 7, 1944;  
11:16 a. m.]

PART 3292—AUTOMOTIVE VEHICLES, PARTS  
AND EQUIPMENT

[Conservation Order M-216 as Amended  
Mar. 7, 1944]

CONSERVATION OF NEW AUTOMOTIVE VEHICLES SUBJECT TO RATIONING BY FEDERAL AGENCIES

S 3292.96 Conservation Order M-216—(a) *Findings of fact with respect to reserve vehicles.* Approximately 393,000 new passenger automobiles and 130,000

new commercial motor vehicles are in the possession of or under the control of producers, distributors, dealers, sales agencies and finance agencies throughout the United States. These vehicles, hereinafter referred to as "reserve vehicles," are now held for ultimate use in the prosecution of the war through rationing procedures, established as to passenger automobiles by General Conservation Order M-130, effective June 8, 1942, and by Office of Price Administration New Passenger Automobile Rationing Regulations, Order No. 2A, effective March 2, 1942, and as to new commercial motor vehicles by General Conservation Order M-100, effective March 9, 1942. In view of the discontinuance of production, the stock of reserve vehicles herein referred to constitutes the total available supply of such vehicles in the United States. They are urgently needed for war purposes and for the maintenance of the industrial economy of the nation. The maintenance of these vehicles in prime mechanical condition is indispensable to their full utilization for the war purposes for which they are being reserved. These reserve vehicles can be maintained in prime mechanical condition provided conservation operations are performed upon them as set out in the Standards for Maintenance of New Automotive Vehicles, incorporated herein as Schedule 1.

(b) *Statement of policy with respect to requisitioning reserve vehicles.* The standards for maintenance of new automotive vehicles set out as Schedule 1 to this order and made part thereof, are hereby adopted for the maintenance of reserve vehicles in storage in the possession of or under the control of producers, distributors, dealers, sales agencies and finance agencies. It is declared to be the policy of the War Production Board to require that all reserve vehicles be maintained in accordance with the said standards for maintenance. In order to effectuate this policy and to render all reserve vehicles available for war purposes and for the maintenance of the essential industrial economy, it is further declared to be the policy of the War Production Board to exercise its powers of requisition under existing law, and to seize reserve vehicles in the possession of producers, distributors, dealers, sales agencies and finance agencies, whenever it is found by the War Production Board or any federal agency acting in its behalf, that the mechanical condition of such vehicles has been impaired, or is threatened with impairment, due to failure on the part of the person in possession or control to comply with the Standards for Maintenance.

(c) *Reports required on reserve vehicles.* Every person in possession of reserve vehicles shall file with the nearest Regional Office, War Production Board, Reference Order M-216, a report of the condition of such vehicles on Form WPB-1565 (PD-641). The initial report shall be as of November 1, 1942, and shall be filed not later than November 10, 1942. Subsequent reports shall be filed thereafter at intervals of six months.

(d) *Definitions.* For the purposes of this order:

(1) "Reserve vehicle" means any of the following vehicles which are held subject to the rationing procedures of the War Production Board or the Office of Price Administration referred to in paragraph (a) above, and which are in the possession of, or under the control of, producers, distributors, dealers, sales agencies or finance agencies throughout the United States:

(i) Any 1942 model passenger automobile, built upon a standard or lengthened passenger car chassis, having a seating capacity of not more than ten (10) persons, irrespective of the number of miles it has been driven, or any other such passenger automobile of an earlier model which has been driven less than 1,000 miles, including taxis, but not including ambulances, hearses and station wagons.

(ii) Any new commercial motor vehicle, including any light, medium or heavy motor truck, truck tractor or trailer, or the chassis therefor, or any chassis on which a bus body is to be mounted, and which was manufactured subsequently to July 31, 1941; was designed to be propelled or drawn by mechanical power for use on or off the highways for transportation of property, or persons; was manufactured otherwise than under specifications of the United States Army or Navy; has not been transferred to any person other than a sales agency for the purpose of resale; including vehicles of the following types: trucks, truck chassis, truck tractors, off-the-highway motor vehicles, full-trailers, semi-trailers, dollies, attachment third axles, ambulances, hearses, bus chassis, station wagons, carry-all suburbans, sedan deliveries, utility sedans, coupes fitted with pickup boxes, and cab pickups, but not including taxicabs and integral type buses.

(2) "Producer" means any person who manufactures, or has in the past manufactured, any reserve vehicles and now or hereafter has any such reserve vehicles in his possession or under his control.

(3) "Distributor" means any person other than the manufacturer regularly engaged in the business of selling reserve vehicles to dealers.

(4) "Dealer" means any person regularly engaged in the business of offering reserve vehicles for sale at retail to the public.

(5) "Sales agency" means any distributor or dealer and includes any agency or branch of a producer which sells reserve vehicles.

(6) "Finance agency" means any person regularly engaged in the business of financing or making loans, on the security of reserve vehicles, to producers, distributors, dealers or sales agencies, and who on August 29, 1942, or thereafter has any lien or any claim against any such reserve vehicle as security for a loan or other financing arrangement.

(7) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

## FEDERAL REGISTER, Wednesday, March 8, 1944

(e) *Records.* All records required to be kept and reports required to be made under this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(f) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using, material under priority control and may be deprived of priorities assistance.

(g) *Communications.* All reports required by this order and all communications concerning this order shall be addressed to the nearest Regional Office, War Production Board, Reference Order M-216.

Issued this 7th day of March 1944.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

**SCHEDULE I—STANDARDS FOR MAINTENANCE OF RESERVE VEHICLES**

The following standards for maintenance are established for the preservation and care of reserve vehicles, while in the possession of, or under the control of, producers, distributors, dealers, sales agencies or finance agencies.

*Vehicles to Which Standards Are Applicable*

The reserve vehicles to which those standards for maintenance apply are those held subject to rationing under orders of the War Production Board and the Office of Price Administration, while in the possession of, or under the control of, producers, distributors, dealers, sales agencies or finance agencies. These orders are, namely, as to passenger automobiles, General Conservation Order M-130, effective June 8, 1942, and Office of Price Administration New Passenger Automobile Rationing Regulations, Order No. 2A effective March 2, 1942; and as to new commercial motor vehicles, General Conservation Order M-100, effective March 9, 1942.

1. Any 1942 model passenger automobile, built upon a standard or lengthened passenger car chassis having a seating capacity of not more than ten (10) persons, irrespective of the number of miles it has been driven, or any other such passenger automobile of earlier model which has been driven less than 1,000 miles, including taxis, but not including ambulances, hearses and station-wagons.

2. Any new commercial motor vehicle, including any light, medium or heavy motor truck, truck tractor, or trailer, or the chassis therefor, or any chassis on which a bus body is to be mounted, and which was manufactured subsequently to July 31, 1941; was designed to be propelled or drawn by mechanical power for use on or off the highways for transportation of property, or persons; was manufactured otherwise than under specifications of the United States Army or Navy; has not been transferred to any person other than a sales agency for the purpose of resale; including vehicles of the following types:

Trucks, truck chassis, truck tractors, off-the-highway motor vehicles, full-trailers, semi-trailers, dollies, attachment third axles, ambulances, hearses, bus chassis, station wagons, carry-all suburbans, sedan deliveries, utility sedans, coupes fitted with pickup boxes, and cab pickups, but not including taxicabs and integral type buses.

*Standards for Maintenance: New Passenger Automobiles and Commercial Motor Vehicles*

(These standards for maintenance correspond with those of the Revised Price Schedule #85 issued by the Office of Price Administration.)

*General Instructions*

1. *Indoor storage.* All reserve vehicles, other than full-trailers and semi-trailers, must be stored indoors. Select a clean, dry building suitable for the storage of new passenger automobiles and commercial vehicles. Cover all openings through which animals and birds may enter storage space. Prevent water leakage. Remove loose dirt and whitewash lime.

2. *Spacing of vehicles.* Allow sufficient space between vehicles for accessibility to perform all specified maintenance operations.

3. *Initial and repeat operations.* The operations specified under the heading "Maintenance operations" are of two categories: "Initial" operations, which if not already performed, are to be performed as soon as the vehicle is placed in storage, and "Repeat" operations, which must be performed at intervals of six months, or more often, if necessary, as indicated below.

4. *Exemption for vehicles produced subsequently to August 12, 1943.* Reserve vehicles produced subsequently to August 12, 1943, are exempt from the following items of "Maintenance operations" for a period not to exceed 90 days from the date the vehicle is produced: Items 4, 6, 8, 9, 10, 13, 15 and

17. Note: Item 13 must be performed before the end of the 90 day period if there is any danger of freezing temperatures.

5. *Demonstrator vehicles.* Reserve vehicles which have been properly authorized and cleared (in accordance with the terms of regulations issued by the War Production Board and the Office of Price Administration) and are actually in use as demonstrators or company owned executive cars, are not subject to "Maintenance operations" until such time as they are placed in storage. Such vehicles must be in condition for retail delivery with the exception of a few minor details.

6. *Vehicles for export.* Vehicles produced subsequently to August 12, 1943, which are conditioned and crated for overseas shipment are exempt from the "Maintenance operations" under Schedule 1 of this order.

7. *Production date sticker.* Subparagraph 4 above exempts vehicles produced after August 12, 1943, from certain maintenance operations for a period of 90 days from date of production of the vehicle. It is, therefore, necessary that such vehicles be marked clearly with the date of production. Producers shall provide a production date sticker to be attached to the instrument panel of each vehicle produced on or after August 12, 1943, filling in the date on which the vehicle was produced. Only those vehicles which carry such production date stickers will be exempt from the performance of the maintenance operations named in Subparagraph 4 above. The production date sticker shall be in substantially the following form:

This vehicle (Serial number) was produced by (Name of producer) on (Date of production) and all maintenance operations called for by War Production Board Conservation Order M-216 must be completed not later than (Specify date 90 days after production).

NOTE: Item 10 amended by deleting the note in "Maintenance Operations" column Mar. 7, 1944.

No.	When to be done	Item	Maintenance operations
#1	Initial and whenever necessary.	Vehicle.....	(a) Thoroughly wash vehicle; remove all foreign substances, mud, dirt, grease spots, oil, tar. (b) Check paint, touch up all exposed metal surfaces to prevent rust. Remove blades; store in glove compartment. (c) Clean and moth-proof all upholstery, including seat cushions, seat backs, side walls, headlinings, floor mats and carpets. (d) After moth-proofing upholstery, protect it from direct sunlight, except when on display in customary display room, by one of the following methods: (1) Cover all openings through which light may enter storage space. (2) Cover the inside of all car windows and windshields with paper, using masking tape. (3) Cover the car with a paper or cloth cover. (4) Completely cover all upholstery with paper, using masking tape. (e) Place floor mats in their normal position on floor, not rolled up. Thoroughly wash and clean all chrome plated surfaces with clear water; when dry, apply a coating of light oil, liquid wax, or special preparations; wipe off until no excess oil or wax appears on the surface of the chrome. With respect to convertibles, see that the tops are up and leave the shipping cover over the top, or cover it with paper, using masking tape.
*2	Initial.....	Windshield wiper.....	
*3	Initial and every six months.	Upholstery and floor coverings.....	
	Initial.....	Initial.....	
*4	Initial and whenever necessary.	Chrome plated surfaces.....	(a) Drain engine oil and refill crank case with at least $\frac{1}{2}$ charge of rust-inhibiting oil. (b) Run engine for 5 minutes at idle speed or about 1,000 R. P. M. Leave this oil in engine. (c) At six month intervals turn over the engine with a battery or by turning the rear wheels, with the transmission in gear, to insure that the oil in the engine and lubricants in the transmission and rear axle assembly are properly distributed.
5	Initial.....	Convertible tops.....	
*6	Initial.....	Engine.....	
	Repeat (e) every six months.		

NOTE: (1) All maintenance operations and storage requirements are applicable to new passenger automobiles. (2) Symbol (\*) indicates maintenance operations applicable to new commercial motor vehicles except trailers, third axles and dollies. (3) Symbol (#) indicates maintenance operations applicable to trailers, third axles and dollies.

No.	When to be done	Item	Maintenance operations
*7	Initial	Fuel system and carburetor.	(a) Drain gasoline tank completely and replace filler cap to exclude dust. (b) Run engine until all gasoline is consumed.
*8	Initial Repeat every six months.	Spark plugs	Remove spark plugs. Inject 2 ounces of rust-inhibiting oil into each cylinder when piston is on the power stroke. Slowly turn engine over a few revolutions with starter. Replace spark plugs.
*9	Initial	Valve compartment (overhead valve engines).	Remove cover. Spray rust-preventive compound or S. A. E. 10-W on mechanism and inside cover, or pack with oil-soaked rags. Replace cover.
*10	Initial	Seal engine	Seal the engine. This can be done in the following manner: Remove engine oil filler tube cover and crank case breather cover, if there is one, and seal the openings. Also seal the air cleaner, tail pipe, and any other openings into the engine. Tubes or pipes can be sealed satisfactorily by covering with a small piece of oiled or waxed paper, gathering the edges of the paper around the tube and tying them with a cord. The air cleaner can be sealed conveniently by covering with a paper bag and tying a cord around it at the solid part on the engine side of the air intake openings. Sealing the engine to a large extent prevents air moisture from entering the engine.
*11	Initial	Battery removal	(a) Remove the battery and store it in a cool place near recharging equipment, to facilitate servicing. Clean battery connections and wipe with light grease. (b) If dealer has portable battery charging equipment, he may elect to leave battery in car. In either case battery must be maintained as per Item 12 below.
*12	Initial and as specified under Maintenance operations.	Battery maintenance	(a) Check the specific gravity at regular intervals of six weeks, except in extremely hot weather when inspection periods should be cut to three weeks. (b) Check and correct water level at each inspection and recharge batteries as necessary to bring gravity reading to 1.280 or above. In no case should the specific gravity be allowed to fall below 1.220. These specific gravity readings are given for batteries at 60° F. air temperature.
*13	Initial	Cooling system	Completely drain cooling system including radiator, cylinder block, pump, heater, hose and all water connections. Leave system dry. NOTE: If coolant contains anti-freeze and rust-inhibiting solution it may be left in the cooling system.
*14	Initial	Brakes	Leave all brakes in released position.
*15	Initial	Clutch	Block the pedal of dry clutches in partially disengaged position. It is not necessary to disengage other type clutches.
*16	Initial and as specified under maintenance operations.	Tires	(a) Indoor storage. Jack up vehicle in storage location taking weight off the tires. Maintain the air in tires between $\frac{1}{2}$ and $\frac{3}{4}$ operating pressure so that vehicles can be pushed or towed out quickly if necessary in an emergency. Tension in cords will be relieved by lowered pressure. (b) Outdoor storage in the case of trailers. Jack up vehicles in storage space. Remove tires from wheels. Leave wheels mounted on axle spindles. Lower weight of trailer to rest upon wheels. Store tires in a dark cool place protected from direct sunlight, in a horizontal position, with separators. Lubricate with light oil all latches, hinges, brake connections, vertical supporting mechanisms, and fifth wheels.
*17	Initial and, if necessary, every six months where applicable.	Latches, hinges, brake connections, vertical supporting mechanisms, and fifth wheels. Doors, windows, and vents	(a) Close all doors, windows, and vents tightly. (b) Close all venti-panes. (c) Leave cowl ventilator open (if screened).
*18	Initial where applicable		

NOTE: In the performance of Items 6 and 8 (Maintenance Operations 6 (a) and 6 (b) and Item 8) the rust inhibiting oil must fully comply with specifications identified as "CRC Specification L-7-443" and published by the Cooperative Research Council, 30 Rockefeller Plaza, New York, N. Y., April, 1943; or the U. S. Army Ordnance Specification #AXS-674 or #AXS-934. Reserve vehicles which are not processed with a product meeting these specifications must be reprocessed with a product which fully complies with these specifications.

[F. R. Doc. 44-3252; Filed, March 7, 1944; 11:17 a. m.]

#### PART 3293—CHEMICALS

[Limitation Order L-51 as Amended Mar. 7, 1944]

##### ANTI-FREEZE

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of alcohols as hereinafter defined for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3293.11 General Limitation Order L-51—(a) Definitions. For the purposes of this order:

(1) "Anti-freeze" means any mixture that is designed and intended for use,

without further processing, to depress the freezing point of coolant water in internal combustion engines.

(2) "Alcohols" means ethyl alcohol, methyl alcohol, isopropyl alcohol, diacetone alcohol, and/or ethylene glycol.

(3) "Producer" means any person engaged in the manufacture of anti-freeze from alcohols.

(b) Restrictions on manufacture of anti-freeze. (1) No producer shall manufacture anti-freeze from alcohols in greater quantities than specifically authorized from time to time hereafter by the War Production Board.

(2) The restrictions on the manufacture of anti-freeze from alcohols set forth in paragraph (b) (1) of this sec-

tion shall not apply to the manufacture of anti-freeze to be delivered to fill a specific contract or subcontract for:

(i) The Army or Navy of the United States, the United States Maritime Commission, The Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development,

(ii) The government of any of the following countries: The United Kingdom, Canada and other Dominions, Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, The Kingdom of the Netherlands, Norway, Poland, Russia and Yugoslavia, and

(iii) The government of any country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

Quantities of anti-freeze permitted to be manufactured under this subparagraph shall be in addition to quantities permitted under quotas authorized pursuant to paragraph (b) (1) of this section.

(3) Producers may apply to the War Production Board for an authorized anti-freeze quota on Form WPB-1069 (formerly PD-476) addressed to the Chemicals Bureau, War Production Board, Washington 25, D. C.

(c) Special directives. The War Production Board may from time to time issue special directives concerning the distribution or delivery of anti-freeze produced under authorized War Production Board quotas. It will be the policy of the War Production Board to obtain an equitable distribution of the available supply of anti-freeze. In issuing these special directives, the War Production Board will take into account vehicle registrations and weather conditions throughout the United States.

NOTE: Former paragraphs (d), (f), (g) and (i) deleted; former paragraphs (e), (h) and (j) redesignated (d), (e) and (f) Mar. 7, 1944.

(d) Effect on other orders. The terms and provisions of this order or of any specific authorization issued hereunder by the War Production Board, establishing an anti-freeze quota, shall control and supersede the terms and provisions of any other order heretofore issued by the War Production Board affecting the manufacture of anti-freeze from any of the alcohols.

(e) Reports. All persons affected by this order shall execute and file with the Chemicals Bureau, War Production Board, such reports and questionnaires as said Division shall from time to time prescribe.

(f) Violations. Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is

guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(g) *Approval of Bureau of the Budget.* The reporting provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 7th day of March 1944.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 44-3253; Filed, March 7, 1944;  
11:17 a. m.]

## Chapter XI—Office of Price Administration

### PART 1429—POULTRY AND EGGS

[MPR 333.<sup>1</sup> Amdt. 25]

#### EGGS AND EGG PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Maximum Price Regulation 333 is amended in the following respects:

1. The first sentence of § 1429.65 (s) (1) is amended to read as follows:

(1) The grades, sizes, weight classes, and standards promulgated by the United States Department of Agriculture in the publication entitled "Tentative U. S. Standards and Weight Classes for Consumer Grades for Shell Eggs" or from March 6, 1944, to May 27, 1944, inclusive, the standards and grades promulgated by the Department of Agriculture in the publication entitled "Tentative U. S. Standards and Weights for Wholesale Grades for Shell Eggs" shall be the respective grades, sizes, weight classes and standards for all shell eggs sold to any purchaser other than the United States or agency thereof.

2. The fourth sentence of § 1429.65 (s) (1) is amended to read as follows:

The grades and standards promulgated by the United States Department of Agriculture in the publication entitled "Tentative U. S. Procurement Grades", or the grades, sizes, weight classes, and standards promulgated by the Department of Agriculture in the publication entitled "Tentative U. S. Standards and Weight Classes for Consumer Grades for Shell Eggs", or from March 6, 1944, to May 27, 1944, inclusive, the grades and standards promulgated by the Department of Agriculture in the publication entitled "Tentative U. S. Standards and Weights for Wholesale Grades for Shell Eggs" shall be used as the grades, sizes,

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup> 8 F.R. 2488, 3002, 3070, 3735, 5342, 5839, 6182, 6476, 6626, 7457, 9227, 9300, 9879, 11381, 12095, 12478, 12632, 14093, 14400, 14855, 15459, 16199, 16999, 17485.

weight classes and standards for all shell eggs sold to the United States or any agency thereof.

3. The headnote of § 1429.67a is amended to read as follows:

§ 1429.67a. Maximum prices for wholesale grades of shell eggs and "current receipt eggs" sold to a "first receiver" or to any purchaser other than the United States or any agency thereof, a jobber, a large retailer, an independent retailer, retail route seller, or user, or an ultimate consumer from March 6, 1944, to May 27, 1944 inclusive. ("First receivers" and prior purchasers.)

4. Section 1429.67a (a) is amended to read as follows:

(a) Maximum prices in basing point cities and Chicago, Illinois. The maximum prices for shell eggs of wholesale grades and current receipt eggs sold and delivered from March 6, 1944, to May 27, 1944, inclusive, to a "first receiver" or to any purchaser other than the United States or any agency thereof, a jobber, a large retailer, an independent retailer, retail route seller, a commercial, industrial, institutional or non-federal government user, or an ultimate consumer in a basing point city named in the headnote immediately preceding Table I of this section for each week shall be the price per dozen for eggs of the particular wholesale grade, size, prescribed average net weight, and other identification and for current receipt eggs set forth in such Table I of this section and for the week in which delivered. Such maximum prices in Chicago, Illinois, shall be the maximum prices per dozen for eggs of the particular wholesale grade, size, prescribed average net weight, and other identification and for current receipt eggs and for the week of delivery set forth in Table II of this section.

5. Section 1429.67a (b) is amended to read as follows:

(b) Maximum prices in "Area 1" except for New York City. In all places other than New York City within "Area 1" the maximum prices for shell eggs of wholesale grades and for current receipt eggs sold and delivered from March 6, 1944, to May 27, 1944, inclusive, to a first receiver or to any purchaser other than the United States or any agency thereof, a jobber, a large retailer, an independent retailer, retail route seller, a commercial, industrial, institutional, or non-federal governmental user or an ultimate consumer for the week in which delivered shall be the maximum price per dozen for eggs of the particular wholesale grade, size, prescribed average net weight, and other identification and for current receipt eggs set forth in Table II of this section for Chicago, Illinois, plus the "transportation factor".

6. Section 1429.67a (b) (2) is amended to read as follows:

(2) The "multiplier" to be used for calculating the transportation factor for all wholesale grades of shell eggs and for current receipt eggs shall be 1.9 for all weeks from March 6, 1944 through May 27, 1944.

7. Section 1429.67a (c) is amended to read as follows:

(c) Maximum prices for wholesale grades and current receipt eggs in "Area 2" except Chicago and basing point cities. In "Area 2", except Chicago and basing point cities, the maximum prices for shell eggs of wholesale grades and for current receipt eggs sold and delivered from March 6, 1944, to May 27, 1944, inclusive, to a first receiver or to any purchaser other than the United States or any agency thereof, a jobber, a large retailer, an independent retailer, a retail route seller, a commercial, industrial, institutional, or non-federal government user, or an ultimate consumer at any place shall be determined as follows:

8. Section 1429.67a (e) is amended to read as follows:

(e) Maximum prices in cents per dozen by weeks for wholesale grades of shell eggs and current receipt eggs for civilian purchasers in the basing point cities of New York, Seattle, Los Angeles, San Diego, Phoenix and Tucson.

TABLE I.—WHOLESALE GRADES AND CURRENT RECEIPT EGGS FOR PERIOD THROUGH MAY 27, 1944

All weeks from—	Extras No. 1 and 2	Standards No. 1 and 2	Current Receipt
Mar. 6 to May 27, inclusive.....	38.5	36.7	34.9

9. Section 1429.67a (f) is amended to read as follows:

(f) Maximum prices in cents per dozen by weeks for wholesale grades of shell eggs and current receipt eggs for civilian purchasers in Chicago, Illinois.

TABLE II.—WHOLESALE GRADES AND CURRENT RECEIPT EGGS FOR PERIOD THROUGH MAY 27, 1944

All weeks from—	Extras No. 1 and 2	Standards No. 1 and 2	Current receipt
Mar. 6 to May 27, inclusive.....	36.9	35.1	33.3

10. A new § 1429.67a (g) (3) is added to read as follows:

(3) The maximum prices for wholesale grades of "Specials" 1 and 2 in basing point cities are 2¢ more than the maximum prices for "Extras" 1 and 2 in such cities.

The maximum prices for wholesale grades of "Specials" 1 and 2 in Chicago, Illinois, are 2¢ more than the maximum prices for "Extras" 1 and 2 in such city.

The maximum prices for wholesale grades of "Specials" 3 and 4 in basing point cities are 1¢ more than the maximum prices for "Extras" 1 and 2 in such cities.

The maximum prices for wholesale grades of "Specials" 3 and 4 in Chicago, Illinois, are 1¢ more than the maximum prices for "Extras" 1 and 2 in such city.

11. A new § 1429.67a (g) (4) is added to read as follows:

(4) The maximum prices for wholesale grades of "Extras" 3 and 4 in basing

point cities shall be the same as the maximum prices for wholesale grades of "Standards" 1 and 2 in such cities.

The maximum prices for wholesale grades of "Extras" 3 and 4 in Chicago, Illinois, shall be the same as the maximum prices for wholesale grades of "Standards" 1 and 2 in such city.

12. A new § 1429.67a (g) (5) is added to read as follows:

(5) The maximum prices for wholesale grades of "Standards" 3 and 4 in basing point cities shall be the same as the maximum prices for current receipt eggs in such cities.

The maximum prices for wholesale grades of "Standards" 3 and 4 in Chicago, Illinois, shall be the same as the maximum prices for current receipt eggs in such city.

This amendment shall become effective March 6, 1944.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 6th day of March 1944.

CHESTER BOWLES,  
Administrator.

Approved: March 4, 1944.

MARVIN JONES,  
War Food Administrator.

[F. R. Doc. 44-3237; Filed, March 6, 1944;  
3:53 p.m.]

#### PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 376, Amdt. 2]

##### SWEET POTATOES Correction

In F.R. Doc. 44-3097, appearing at page 2492 of the issue for Saturday, March 4, 1944, the date in the sentence added to section 8 (a) by paragraph 6 should read "May 1, 1944."

#### TITLE 49—TRANSPORTATION AND RAILROADS

##### Chapter I—Interstate Commerce Commission

[S. O. 184]

##### PART 95—CAR SERVICE

##### REQUIREMENTS CONCERNING BILL OF LADING FOR CERTAIN MEAT SHIPMENTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 3d day of March, A. D. 1944.

It appearing, that freight cars are being loaded by shippers of fresh, frozen, or salted meats, packing house products or by-products and held pending furnishing to carrier's agent shipping orders, bills of lading, or billing instructions, thus impeding the use, control, supply, movement, distribution, exchange, interchange, and return of cars; in the opinion of the Commission an emergency exists requiring immediate action to prevent a shortage of equip-

ment and congestion of traffic, it is ordered, that:

§ 95.333 (a) *Definitions.* (1) The terms "freight car" or "freight cars" as used in this order mean all freight cars and refrigerator cars (but not tank cars) whether privately owned, leased or controlled or railroad owned, leased or controlled.

(2) The term "track" as used in this order means both public and other-than-public delivery tracks.

(3) The terms "shipper" or "shippers" as used in this order mean only shippers or consignors of fresh, frozen or salted meat, packing house products or by-products in carloads and in either straight or mixed shipments.

(4) The term "bill of lading" as used in this order shall include any bill of lading, shipping order or billing instructions required by common carrier by railroad to waybill a freight shipment.

(5) The 48-hour period contemplated by this order is to be computed without excluding Sundays and Holidays.

(b) (1) *Bill of lading must be surrendered to, or written assurance given to, carrier before freight car may be set for loading.* No common carrier by railroad subject to the Interstate Commerce Act shall furnish or supply a freight car from any track to any shipper for loading unless and until:

(i) A bill of lading covering the particular car to be loaded has been furnished to the originating carrier's agent, at the original billing point, or

(ii) A written assurance signed by a shipper has been given to the originating carrier's agent, at the original billing point that a bill of lading, covering the particular car to be loaded, will be furnished by such shipper to the originating carrier's agent, at the original billing point within forty-eight (48) hours after the first 7:00 a. m. after such freight car is placed for loading: *Provided, however,* That if the bill of lading is not furnished within the prescribed time no further freight cars shall be furnished or supplied to such shipper until a bill of lading is supplied pursuant to the written assurance.

(b) (2) Should a shipper confiscate or appropriate a freight car for loading without complying with the requirements set forth in paragraph (b) (1) of this section, no further freight cars shall be furnished or supplied to such shipper until the requirements of paragraph (b) (1) subdivision (i) have been complied with with respect to the confiscated or appropriated car.

(c) *Tariff provisions suspended.* The operation of all tariff rules, regulations, or charges insofar as they conflict with the provisions of this order is hereby suspended.

(d) *Announcement of suspension.* Each railroad, or its agent, on or before the effective date of this order and upon not less than one day's notice to the Commission and to the public, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of the

operation of any of the provisions therein, and establishing the substituted provisions set forth herein.

(e) *Application.* The provisions of this order shall apply to intrastate and foreign commerce as well as interstate commerce.

(f) *Special and general permits.* The provisions of this order shall be subject to any special or general permits issued by the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., to meet specific needs or exceptional circumstances. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

*It is further ordered,* That this order shall become effective at 7:00 a. m., March 16, 1944; that copies of this order and direction shall be served upon each State railroad commission and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,  
Secretary.

[F. R. Doc. 44-3262; Filed, March 7, 1944;  
11:51 a. m.]

#### Chapter II—Office of Defense Transportation

[Administrative Order ODT 20]

##### PART 503—ADMINISTRATION

##### INTERFERENCE WITH ADMINISTRATION OF ODT ORDERS IN PUERTO RICO

Pursuant to the Act of May 31, 1941, as amended by the Second War Powers Act, 1942, Executive Orders 8889, as amended, 9156, 9214, and 9294, and War Production Board Directive 21, and in order to provide for the execution of the authority and the performance of the functions in Puerto Rico of the Office of Defense Transportation without improper interference, it is hereby ordered, that:

§ 503.405 *Interference with administration of orders of the Office of Defense Transportation.* No person shall, in Puerto Rico, by force, violence, threats, intimidation, or any other means, hinder, impede, or interfere, or attempt to hinder, impede, or interfere, with any person administering or enforcing, or assisting in administering or enforcing, any order of the Office of Defense Transportation pertaining to the allocation of transportation equipment, or the allocation of the use of transportation equipment.

Any person who wilfully performs any act prohibited, or wilfully fails to perform any act required by, any provision of any rule, regulation or order issued under the Act of May 31, 1941, as amended by the Second War Powers Act, is guilty of a misdemeanor, and subject

to a fine of not more than \$10,000 or imprisonment for not more than one year, or both.

This order shall become effective on March 7, 1944.

(Act of May 31, 1941, as amended by the Second War Powers Act, 1942, 56 Stat. 176, 50 U.S.C. secs. 631 through 645a; E.O. 8989, as amended, 6 F.R. 6725 and 8 F.R. 14183; E.O. 9156, 7 F.R. 3349; E.O. 9214, 7 F.R. 6097; E.O. 9294, 8 F.R. 221; War Production Board Directive 21, 8 F.R. 5834)

Issued at Washington, D. C., this 7th day of March 1944.

C. D. YOUNG,  
Deputy Director,  
Office of Defense Transportation.

[F. R. Doc. 44-3244; Filed, March 7, 1944;  
10:05 a. m.]

## Notices

### DEPARTMENT OF AGRICULTURE.

#### Farm Security Administration.

##### DESIGNATION OF LOCALITIES FOR LOANS

Cancelling the designation of localities for the making of loans pursuant to Title I of the Bankhead-Jones Farm Tenant Act in the County of Isabella, State of Michigan.

In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 1, 1941, as extended by the War Food Administrator's delegation of authority issued November 3, 1943, the locality designation appearing below, approved by the Administrator of the Farm Security Administration on October 23, 1942, is hereby canceled:

##### REGION II—MICHIGAN

##### ISABELLA COUNTY

Locality I: Consisting of the townships of Gilmore, Coldwater, Sherman, and Broomfield, \$3,185.

Locality II: Consisting of the townships of Rolland, Nottawa, Deerfield, Freemont, Vernon, Isabella, Union, Lincoln, Wise, Denver, Chippewa, and Coe, and the City of Mount Pleasant, \$5,372.

Hereafter, loans under Title I of the Bankhead-Jones Farm Tenant Act shall not be made in said county for the purchase of farms of greater value than the average farm unit of thirty acres and more in said county, determined in accordance with the statistics of the farm census of 1940.

Approved March 2, 1944.

FRANK HANCOCK,  
Farm Security Administrator.

[F. R. Doc. 44-3255; Filed, March 7, 1944;  
11:27 a. m.]

### Rural Electrification Administration.

[A. O. 806]

##### ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 19, 1944.

By virtue of the authority vested in me by the provisions of section 4 of the

Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Arkansas 4-3009D1 Craighead	\$205,000
Arkansas 4-3022C1 Clay	100,000
Louisiana 4-3013D1 East Baton Rouge	50,000
Oklahoma 4-2006F1 Caddo	50,000
Oklahoma 4-2015F1 Tillman	70,000
Oklahoma 4-2021C1 Washita	50,000
Oklahoma 4-2026D1 Harmon	50,000
Pennsylvania 4-3025E1 Adams	425,000

HARRY SLATTERY,  
Administrator.

[F. R. Doc. 44-3258; Filed, March 7, 1944;  
11:27 a. m.]

[A. O. 807]

##### ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 19, 1944.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Illinois 4-3007D4 Henry	\$40,000
Illinois 4-3012B5 Bureau	50,000
Illinois 4-3021H3 Menard	100,000
Illinois 4-3037B3 Saline	40,000
Illinois 4-3046B2 Madison	50,000
Iowa 4-3002B2 Sioux	75,000
Iowa 4-3019B2 Adams	70,000
Iowa 4-3023C2 Crawford	50,000
Iowa 4-3040C4 Marion	60,000
Iowa 4-3053C3 Linn	80,000
Iowa 4-3071B3 Buchanan	50,000
Iowa 4-2075A3 Montgomery	75,000
Iowa 4-2077A3 Davis	50,000
Kentucky 4-3046D3 Harrison	26,000
Kentucky 4-3055E2 Henderson Union	25,000
Louisiana 4-3010C4 Washington	50,000
Louisiana 4-3011B2 Bossier	50,000
Louisiana 4-3012C5 Franklin	50,000
Mississippi 4-3041C2 Pike	50,000
Nevada 4-3003A2 Alamo District Public	5,000
North Carolina 4-2010C2 Haywood	48,000
Pennsylvania 4-3017D1 Armstrong	50,000

HARRY SLATTERY,  
Administrator.

[F. R. Doc. 44-3259; Filed, March 7, 1944;  
11:27 a. m.]

[A. O. 808]

##### ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 19, 1944.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Virginia 4-1011K1 Rockingham	\$32,000
Kansas 4-3034C1 Barton	120,000

HARRY SLATTERY,  
Administrator.

[F. R. Doc. 44-3260; Filed, March 7, 1944;  
11:27 a. m.]

### FEDERAL POWER COMMISSION.

[Docket No. IT-5829]

#### ARKANSAS POWER & LIGHT CO.

##### ORDER POSTPONING DATE OF HEARING

MARCH 6, 1944.

It appearing to the Commission that:

The hearing heretofore set by Commission's order of January 31, 1944, in the above entitled matter for March 16, 1944, may conflict with the hearing now being held by the Department of Public Utilities of the State of Arkansas and it is appropriate that the hearing be postponed;

The Commission orders that:

The public hearing heretofore ordered to commence on March 16, 1944, at 9:45 a. m. (c. w. t.) in Little Rock, Arkansas, for the purpose of determining the issues raised by the order of June 15, 1943, in this case and the above company's response thereto, be and the same hereby is postponed to commence at the same time on April 17, 1944, in the hearing room of the State of Arkansas Department of Public Utilities, Little Rock, Arkansas.

By the Commission.

[SEAL]

J. H. GUTRIDE,  
Acting Secretary.

[F. R. Doc. 44-3245; Filed, March 7, 1944;  
10:40 a. m.]

### FOREIGN ECONOMIC ADMINISTRATION.

[Case No. 20]

A. JOHN BITTSON ENGINEERING CO. AND WORLD DISTRIBUTORS CORPORATION

##### ORDER FOR THE DENIAL OF LICENSING PRIVILEGES

Pursuant to Part 807 of the regulations, adopted under section 6 of the act of July 2, 1940, as amended, the Trade Intelligence Division of the Office of Exports, Office of Economic Warfare (now Trade Intelligence Section of the Operations Division of the Requirements and Supply Branch, Bureau of Supplies, Foreign Economic Administration) charged the respondents herein with the violation of section 6 of the act of July 2, 1940, as amended, and the regulations adopted pursuant thereto. After due notice the respondent requested an oral hearing in accordance with § 807.7 of said regulations. The matter came on for oral hearing before Kelly Kash, Compliance Commissioner for the Administration. Respondents were represented by counsel.

The Compliance Commissioner received the evidence presented and after due consideration of the record on the 18th day of February 1944 filed his findings of fact and recommendations in this matter. Said findings show that on or about July 14, 1942, license application number 352754 for the export of 221,000 lbs. of black steel sheets was filed in the name of World Distributors Corporation by A. John Bittson naming Canha & Formigal Lda., Lisbon, Portugal, as consignee, ultimate consignee and purchaser and showing applicant's reference number as 4477; that said application stated there was no arrangement whereby the licensee, seller, consignor or supplier re-

ceived consideration in excess of the amount stated in answer to Question No. 15; that on or about January 26, 1943, World Distributors Corporation by A. John Bittson, President, submitted invoice setting forth sale of 220,880 lbs. black steel sheets to Messrs. Larangeira Lda., Lisbon, Portugal, sold through Messrs. Canha & Formigal at a price of \$25,401.20 plus certain charges making a total price of \$29,763.31; that said invoice refers to license 852754, Control No. P-4437 and respondent's order No. 4477 and states over the signature of A. John Bittson that the amount stated in the invoice represents the true selling price; that the sale and shipment of the merchandise by respondent to Larangeira Lda. was a violation of the export control laws and regulations in that there was no export license authorizing the shipment to said corporation, the amount at which the sale was made to said Larangeira Lda. was in excess of the amount stated in the license, and that the price paid by Larangeira Lda. was in excess of the price at which the commodity could be sold under the Maximum Export Price Regulation, as amended, of the Office of Price Administration; that Anthony John Bittson, trading under the name of A. John Bittson Engineering Company, and World Distributors Corporation, 11 Broadway, New York, New York, have violated section 6 of the act of July 2, as amended, 50 U.S.C. (1940 ed.) 701 and the proclamations, Executive orders and regulations promulgated pursuant thereto; and that said violations were willfully committed. The Commissioner has recommended that licensing privileges of respondents be suspended to and including June 30, 1944.

The undersigned having considered the findings and recommendations of the Compliance Commissioner has determined that the Findings of Fact are supported by the record and adopts the conclusions and recommendation of the Compliance Commissioner.

*Now, therefore, it is determined and ordered.* That the respondents, Anthony John Bittson, A. John Bittson Engineering Company and World Distributors Corporation and any person, association or organization acting in behalf or for the account of them be and each of them is hereby denied the privilege of obtaining individual, or any other type of export license, or release certificate and is denied the use of any general or other type of export license authorizing any exportation whatsoever from the United States until and including June 30, 1944, and that all presently outstanding export licenses issued to the said respondents or any of them be and the same are hereby revoked.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; E.O. 9361, 8 F.R. 9861; Order 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of

Authority 20, 8 F.R. 16235; Delegation of Authority 21, 8 F.R. 16320)

Dated: March 2, 1944.

WALTER FREEDMAN,  
Deputy Director,  
Requirements & Supply Branch,  
Bureau of Supplies.

[F. R. Doc. 44-3261; Filed, March 7, 1944;  
11:46 a. m.]

#### INTERSTATE COMMERCE COMMISSION.

[S. O. 173, Special Permit 2]

#### ROUTING OF CARLOAD FREIGHT FROM MONROE OR WEST MONROE, LA.

Pursuant to the authority vested in me by paragraph (d) of the first ordering paragraph (§ 97.10, 9 F.R. 222) of Service Order No. 173 of January 4, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To accept shippers' or carriers' routing and to route in accordance therewith any shipment of transit or non-transit carload freight from Monroe or West Monroe, Louisiana, to destinations east of the Mississippi River by way of any route on or east of the Tremont & Gulf Railway Company from West Monroe, Louisiana, to Wood Junction, Louisiana, thence on or east of the line of said carrier from Wood Junction to Winnfield, Louisiana, thence via connections east or north thereof.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 3d day of March 1944.

HOMER C. KING,  
Director, Bureau of Service.

[F. R. Doc. 44-3263; Filed, March 7, 1944;  
11:51 a. m.]

#### OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 1335, as Amended, Amdt.]

HENRY POELKER

In re: Two mortgages and a claim owned by Henry Poelker.

Vesting Order Number 1335, dated April 27, 1943, as amended, is hereby further amended as follows, and not otherwise:

By deleting subparagraph 3-b of said Vesting Order and substituting therefor

a new subparagraph, to be known as subparagraph 3-b, as follows:

A certain mortgage recorded in the Office of the Register of Kings County, State of New York, in Liber 4781 of Mortgages, Page 314, and assigned to Henry Poelker by assignment recorded in the Office of the said Register in Liber 7889 of Mortgages, Page 67, and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any or all such obligations and the right to enforce and collect such obligations, and the right to the possession of all bonds, notes or other instruments evidencing such obligations, and

All other provisions of said Vesting Order Number 1335, as amended, and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on February 26, 1944.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 44-3189; Filed, March 6, 1944;  
10:51 a. m.]

[Vesting Order 2698]

#### HIBISCUS CAFE

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation,

Finding—

1. That Hibiscus Cafe, whose principal place of business is Honolulu, T. H., is a sole proprietorship owned by Ushi Teruya and is a business enterprise within the United States;

2. That Ushi Teruya, whose last known address is Okinawa Ken, Japan, is a national of a designated enemy country (Japan); and determining—

3. That Hibiscus Cafe, a sole proprietorship, is controlled by Ushi Teruya and is a national of a designated enemy country (Japan);

4. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

and having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian all right, title and interest of Ushi Teruya in and to Hibiscus Cafe, a sole proprietorship, and all property of any nature whatsoever situated in the United States, owned or controlled by, payable or deliverable to or held on behalf of or on account of or owing to said Hibiscus Cafe, herein described, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States, and hereby

undertakes the direction, management, supervision and control of said business enterprise to the extent deemed necessary or advisable from time to time by the Alien Property Custodian.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to vary the extent of or terminate such direction, management, supervision or control, or return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 2, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 44-3180; Filed, March 6, 1944;  
10:51 a. m.]

[Vesting Order 2827]

FORTUNA-WERKE A. G.

In re: Fortuna-Werke Splitting Machine and 14 Spare Parts owned by Fortuna-Werke A. G., of Stuttgart, Germany.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding—

1. That Fortuna-Werke A. G., is a corporation organized under the laws of Germany, having its principal place of business at Stuttgart-Bad Cannstatt Postfach 140, Germany, and is a national of a designated enemy country (Germany);

2. That Fortuna-Werke A. G. is the owner of the property described in paragraph 3 hereof;

3. That the property described as follows:

1 SAS Fine Splitting Machine No. 48, with band measure 300 mm. width and electric motor, with spare parts, as follows: 3 parts 620-210-1, 6 parts 214, 2 parts 158, 1 part 155-1, 1 part 219, 1 part 209, now in the possession of Rapid Shoe Machine Mfg. Co., 682 Sixth Avenue, New York, New York,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest

of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in paragraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 18, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 44-3181; Filed, March 6, 1944;  
10:51 a. m.]

[Vesting Order 2864]

WALTER EITELBACH & CO., INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding—

1. That of the outstanding capital stock of Walter Eitelbach & Co., Inc., a corporation organized and doing business under the laws of the State of New York and a business enterprise within the United States, consisting of 1,500 shares of voting preferred and 1,000 shares of voting common, both of a par value of \$100 a share, 1,453 shares of preferred (58.12% of the capital stock) are owned by and registered in the name of The Nissen Stiftung, Husum, Schleswig-Holstein, Germany, and are evidence of control of said business enterprise;

2. That all the outstanding 5% Sinking Fund Gold Notes, dated April 1, 1928, in the face amount of \$397,000, of Walter Eitelbach & Co., Inc., plus accrued and unpaid interest thereon, are owned by The Nissen Stiftung, Husum, Schleswig-Holstein, Germany, and are evidence of control of said business enterprise;

3. That The Nissen Stiftung, whose principal place of business is Husum, Schleswig-Holstein, Germany, is a corporation organized under the laws of Germany and is a national of a designated enemy country (Germany);

and determining:

4. That Walter Eitelbach & Co., Inc., is controlled by The Nissen Stiftung, and is a national of a designated enemy country (Germany);

5. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

and having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian 1,453 shares of the preferred stock of Walter Eitelbach & Co., Inc., represented by stock certificates registered in the name of The Nissen Stiftung, Husum, Schleswig - Holstein, Germany, and \$397,000 face value 5% Sinking Fund Gold Notes, dated April 1, 1928, and all accrued and unpaid interest thereon, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States, and hereby undertakes the direction, management, supervision and control of said business enterprise to the extent deemed necessary or advisable from time to time by the Alien Property Custodian.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to vary the extent of or terminate such direction, management, supervision or control, or return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 31, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 44-3182; Filed, March 6, 1944;  
10:51 a. m.]

[Vesting Order 2904]

METRAWATT A. G.

In re: Exposure meters, amplifiers, leather cases, and claim owned by Metrawatt A. G. of Nuernberg, Germany.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding

1. That Metrawatt A. G. is a corporation organized under the laws of Germany, having its principal place of business at Nuernberg, Schoppershofstrasse 52-54, Germany, and is a national of a designated enemy country (Germany);

2. That Metrawatt A. G. is the owner of the property described in paragraph 3 hereof;

3. That the property described as follows:

a. Exposure meters, amplifiers and leather cases consisting of: 359 Eos with cases, 124 Tempiphotos with cases, 27 Tempiphot amplifiers with cases, 17 Horvex with cases, 29 Horvex amplifiers with cases,

now in the possession of American Bolex Company, Incorporated, 155 East 44th Street, New York, New York, and

b. All right, title, interest and claim of any name or nature whatsoever of Metrawatt A. G. in and to any and all obligations, contingent or otherwise and whether or not matured, owing to said Metrawatt A. G. by American Bolex Company Incorporated, 155 East 44th Street, New York, New York, including but not limited to all security rights in and to any and all collateral for any and all such obligations, and the right to enforce and collect such obligations.

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest, hereby vests in the Alien Property Custodian the property described in paragraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 7, 1944.

[SEAL]

LEO T. CROWLEY,  
Alien Property Custodian.[F. R. Doc. 44-3183; Filed, March 6, 1944;  
10:51 a. m.]

10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 7, 1944.

[SEAL]

LEO T. CROWLEY,  
Alien Property Custodian.[F. R. Doc. 44-3184; Filed, March 6, 1944;  
10:51 a. m.]

[Vesting Order 2906]

KICHIJIRO TANAKA

In re: Japanese paintings and miscellaneous articles owned by Kichijiro Tanaka.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Kichijiro Tanaka is Osaka, Japan, and that he is a resident of Japan and a national of a designated enemy country (Japan);

2. That Kichijiro Tanaka is the owner of the property described in paragraph 3 hereof;

3. That the property described as follows: One folio containing 18 Japanese paintings on silk, one Sheffield silver bowl, one birch-bark basket, and one glass jar, now in the possession of Yamanaka & Co., Inc., in liquidation under the supervision of the Alien Property Custodian, 680 Fifth Avenue, New York City, is property within the United States owned or controlled by a national of a designated enemy country (Japan);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in paragraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section

10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 7, 1944.

[SEAL]

LEO T. CROWLEY,  
Alien Property Custodian.[F. R. Doc. 44-3184; Filed, March 6, 1944;  
10:51 a. m.]

[Vesting Order 2949]

FEDERATION OF THE ITALIAN WORLD WAR VETERANS IN THE UNITED STATES OF AMERICA, INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the Federation of the Italian World War Veterans in the United States of America, Inc., a membership corporation organized and doing business under the laws of the State of New York, is a business enterprise within the United States and is a part of and is controlled by the Associazione Nazionale Combattenti Italiani;

2. That the Associazione Nazionale Combattenti Italiani, located in Italy and composed of nationals of Italy, is an official agency of the Italian Government and is a part of Partito Nazionale Fascista (National Fascist Party) and is a national of a designated enemy country (Italy);

3. That the Partito Nazionale Fascista, located in Italy, is composed of nationals of Italy and is controlled by the Italian Under-Secretary of State for Foreign Affairs;

and determining:

4. That the Federation of the Italian World War Veterans in the United States of America, Inc., is controlled by and/or acts for or on behalf of the Partito Nazionale Fascista and of a designated enemy country (Italy) and is a national of said designated enemy country;

5. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Italy);

and having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian all property of any nature whatsoever situated in the United States and owned or controlled by, payable or deliverable to, or held on behalf of or on account of or owing to Federation of the Italian World War Veterans in the United States of America, Inc., and the interests therein of any and all of the members of Federation of the Italian World War Veterans in the United States of America, Inc., to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States, and hereby undertakes the direction, management, supervision and control of said business enterprise to the extent deemed necessary or advisable from time to time by the Alien Property Custodian.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Prop-

## FEDERAL REGISTER, Wednesday, March 8, 1944

erty Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to vary the extent of or terminate such direction, management, supervision or control, or return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 15, 1944.

[SEAL]

LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 44-3185; Filed, March 6, 1944;  
10:51 a. m.]

[Vesting Order 2951]

G. E. REINHARDT

In re: Machines and spare parts owned by G. E. Reinhardt of Leipzig, Germany.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That G. E. Reinhardt is a business enterprise having its principal place of business at Leipzig, Germany, and is a national of a designated enemy country (Germany);

2. That G. E. Reinhardt is the owner of the property described in paragraph 3 hereof;

3. That the property described as follows:

(a) 1 Hi-speed Perforating Machine "Prefix" #234 (Poika) for sheets up to 90 cm wide, for continuous and stop perforation, for drive from single pulley, all scales in inches, complete with six perforating units. Extra: 6 perforating units, 12 ditto for gummed paper, 1,750 Perforating needles, 24 Matrices for Perforator, 1 Set of vibration absorbers.

(b) 1 "Small Reinhardt" Ruling Machine #184, Model C/ Aklok, 72 cm circumference of cylinder, with 2 ink fountains, for sheets up to 70 cm in width, name plate and plate "made in Germany" are attached to machine, complete with 1 special attachment, 1 cutting head, 2 perforating heads #7066, 1 creasing head #7091, now in the possession of Karl Krause U. S. Corporation, 55 Vandam Street, New York, New York.

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest, hereby vests in the Alien Property Custodian the property described in paragraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 15, 1944.

[SEAL]

LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 44-3186; Filed, March 6, 1944;  
10:52 a. m.]

[Vesting Order 2972]

AKUMULATORENFABRIK HOPPECKE

In re: A negotiable delivery receipt for 89,600 pounds of pig lead owned by Akumulatorenfabrik Hoppecke.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Akumulatorenfabrik Hoppecke, sometimes referred to as Akumulatorenfabrik Hoppecke, is a business enterprise, with its principal place of business at Praterucca 86, Budapest, Hungary, and is a national of a designated enemy country (Hungary);

2. That Akumulatorenfabrik Hoppecke, sometimes referred to as Akumulatorenfabrik Hoppecke, is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows: Certificate number 616 issued by American Smelting and Refining Company to Mineralia, Metal and Ore Corporation, or order, dated June 4, 1940, entitling the holder to the delivery of 89,600 pounds of pig lead in bond on or after June 4, 1940, upon the surrender of this certificate, F. A. S. Galveston, Texas,

is property within the United States owned or controlled by a national of a designated enemy country (Hungary);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Hungary);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order, may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity, or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 22, 1944.

[SEAL]

LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 44-3187; Filed, March 6, 1944;  
10:52 a. m.]

[Vesting Order 2973]

THE CHERRY CO., LTD.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That of the issued and outstanding capital stock of The Cherry Company, Limited, a corporation organized and doing business under the laws of the Territory of Hawaii and a business enterprise within the United States, consisting of 416 shares of capital stock having a par value of \$50 a share, 293 shares (70.43%) are owned by the following persons in the number appearing opposite each name and are evidence of control of said business enterprise:

Name and Number of Shares

Shiro Sayegusa..... 213

Tani Sayegusa..... 80

Total ..... 293

2. That Shiro Sayegusa and Tani Sayegusa, whose last known addresses are 529-3 Chome Shimo-Meguro, Meguro Ku, Tokyo, Japan,

are nationals of a designated enemy country (Japan); and determining:

3. That The Cherry Company, Limited, is controlled by Shiro Sayegusa and Tani Sayegusa and is a national of a designated enemy country (Japan);

4. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

and having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the 293 shares of the capital stock of The Cherry Company, Limited, hereinbefore more fully described, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States, and hereby undertakes the direction, management, supervision and control of said business enterprise to the extent deemed necessary or advisable from time to time by the Alien Property Custodian.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to vary the extent of or terminate such direction, management, supervision or control, or return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 22, 1944.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 44-3188; Filed, March 6, 1944;  
10:52 a. m.]

[Vesting Order 3207]

KATE LOHNEs

In re: Estate of Kate Lohnes, deceased;  
File D-28-3491; E. T. sec. 5576.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and

pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Paul Mabes, administrator with will annexed, Paola, Kansas, acting under the judicial supervision of the Probate Court of the State of Kansas, in and for the County of Miami;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

*National and Last Known Address*

Jacob Lohnes, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Jacob Lohnes in and to the estate of Kate Lohnes, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 23, 1944.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 44-3174; Filed, March 6, 1944;  
10:50 a. m.]

[Vesting Order 3208]

SUSANNE LUDWIG

In re: Estate of Susanne Ludwig, deceased, File No. D-28-3657; E. T. sec. 5947.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by The German Society of the City of New York, executor, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

*Nationals and Last Known Address*

Paula Startek, Germany.

Kasimir Startek, Germany.

Gertrude Zwanziger, Germany.

Marianne Startek, Germany.

Hertha Startek, Germany.

Kurt Startek, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Paula Startek, Kasimir Startek, Gertrude Zwanziger, Marianne Startek, Hertha Startek, and Kurt Startek, and each of them, in and to the estate of Susanne Ludwig, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 23, 1944.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 44-3175; Filed, March 6, 1944;  
10:50 a. m.]

## FEDERAL REGISTER, Wednesday, March 8, 1944

[Vesting Order 3209]

PHILIP REICHARDT

In re: Estate of Philip (Philip) Reichardt, deceased; File D-28-1533; E. T. sec. 204.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by The Wheeler Kelly Hagny Trust Company, Administrator, 120 South Market Street, Wichita, Kansas, acting under the judicial supervision of the Probate Court of Cowley County, State of Kansas;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

*Nationals and Last Known Address*

John (Johannes) Reichardt, Germany.

Matrina Hoffman (also known as Maria Kathrina Hoffman, Maria Katharine Hoffman, Maria Katherine Hoffman, Marie Kathrina Hoffman, Marie Katharina Hoffman and Katharina Hoffman), Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of John (Johannes) Reichardt and Matrina Hoffman (also known as Maria Kathrina Hoffman, Maria Katharine Hoffman, Maria Katherine Hoffman, Marie Kathrina Hoffman, Marie Katharina Hoffman and Katharina Hoffman), and each of them, in and to the estate of Philip (Philip) Reichardt, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 23, 1944.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 44-3176; Filed, March 6, 1944;  
10:50 a. m.]

date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 23, 1944.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 44-3177; Filed, March 6, 1944;  
10:50 a. m.]

[Vesting Order 3210]

GUSTAV F. STEIN

In re: Estate of Gustav F. Stein, deceased; File D-28-8153; E. T. sec. 9069.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Kenneth Stein and Charles E. Lenon, as Executors, acting under the judicial supervision of the Circuit Court of the State of Oregon for the County of Clackamas;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

*National and Last Known Address*

Mathilda Strube, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Mathilda Strube, in and to the Estate of Gustav F. Stein, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the

[Vesting Order 3211]

CHARLES TRUEG

In re: Estate of Charles Trueg, deceased; File D-28-7922; T. E. sec. 8743.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Peoples-Pittsburgh Trust Company, Custodian, acting under the judicial supervision of the Orphans' Court of Allegheny County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

*National and Last Known Address*

Albert Trueg, Germany.

Emil Trueg, Germany.

Personal representative of Louise Reckemmer, deceased, Germany.

Anna Stump, Germany.

Helmut Voss, Germany.

Gertrude Voss, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Albert Trueg, Emil Trueg, Personal Representative of Louise Reckemmer, deceased, Anna Stump, Helmut Voss and Gertrude Voss, and each of them, in and to the estate of Charles Trueg, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 23, 1944.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 44-3178; Filed, March 6, 1944;  
10:50 a. m.]

[Vesting Order 3219]

SAMUEL H. HUDSON

In re: Estate of Samuel H. Hudson, deceased; File D-28-8188; E. T. sec. 9157.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Carl H. Baesler, Esq., as Executor, acting under the judicial supervision of the Probate Court, County of Suffolk, Commonwealth of Massachusetts;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Katharina Corcilius, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Katharina Corcilius in and to the estate of Samuel H. Hudson, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should

be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: February 26, 1944.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 44-3179; Filed, March 6, 1944;  
10:50 a. m.]

#### REGION VI

Des Moines Order No. 1-F, Amendment No. 5, filed 3:49 p. m.  
Fargo-Moorhead Rev. Order No. 17, filed 3:52 p. m.  
Fargo-Moorhead Rev. Order No. 18, filed 3:51 p. m.  
Fargo-Moorhead Rev. Order No. 19, filed 3:53 p. m.  
Fargo-Moorhead Rev. Order No. 20, filed 3:52 p. m.  
Peoria Order No. 3, Amendment No. 7, filed 3:47 p. m.  
Peoria Order No. 8 Amendment No. 8, filed 3:52 p. m.

#### REGION VII

Utah Order No. F-1, Amendment No. 3, filed 3:54 p. m.  
Utah Order No. F-2, Amendment No. 2, filed 3:54 p. m.  
Utah Order No. F-3, Amendment No. 1, filed 3:53 p. m.  
Utah Order No. F-4, Amendment No. 1, filed 3:54 p. m.  
Utah Order No. F-5, Amendment No. 1, filed 3:55 p. m.  
Utah Order No. F-6, Amendment No. 1, filed 3:53 p. m.

#### REGION VIII

Nevada Order No. 10, filed 4:20 p. m.  
Nevada Order No. 11, filed 4:21 p. m.  
Nevada Order No. 13, filed 4:20 p. m.  
Phoenix Order No. 1-P, Amendment No. 3, filed 3:48 p. m.

Portland Order No. 1-F, Amendment No. 5, filed 3:54 p. m.  
Sacramento Order No. 1-F, Amendment No. 5, filed 3:49 p. m.  
Sacramento Order No. 3-F, Amendment No. 5, filed 3:49 p. m.  
Sacramento Order No. 5-F, Amendment No. 5, filed 3:49 p. m.  
Sacramento Order No. 7-F, Amendment No. 3, filed 3:47 p. m.  
San Diego Order No. 1-F, Amendment No. 24, filed 3:56 p. m.  
San Francisco Order No. 1-P, filed 3:56 p. m.  
San Francisco Order No. 1-F, Amendment No. 3, filed 4:16 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,  
Secretary.

[F. R. Doc. 44-3226; Filed, March 6, 1944;  
11:52 a. m.]

#### WAR FOOD ADMINISTRATION.

[Docket No. AO 172-RO 1]

SUBURBAN CHICAGO, ILLINOIS, MARKETING AREA

#### NOTICE OF REOPENING OF HEARING ON HANDLING OF MILK

Proposed marketing agreement and order regulating the handling of milk in the suburban Chicago, Illinois, marketing area.

Notice is hereby given that the hearing which was held in Chicago, Illinois, on September 30 and October 1, 1943, with respect to a proposed marketing agreement and order regulating the handling of milk in the Suburban Chicago, Illinois, marketing area, will be reopened in the Bismarck Hotel, Chicago, Illinois, at 10:00 a. m., c. w. t., March 24, 1944.

This notice is given pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 ed.

Cleveland Order No. F-1, Amendment No. 15, filed 4:18 p. m.  
Cleveland Order No. F-3, Amendment No. 11, filed 4:18 p. m.

Cleveland Order No. F-4, Amendment No. 10, filed 4:18 p. m.

Cleveland Order No. F-5, Amendment No. 7, filed 4:18 p. m.

Cincinnati Order No. 1-F, Amendment No. 18, filed 4:18 p. m.

Detroit Order No. 1-F, Amendment No. 4, filed 3:48 p. m.

#### REGION IV

Charlotte Order No. 12, Amendment No. 1, filed 3:48 p. m.

Jacksonville Order No. 2-W, filed 3:57 p. m.

Jacksonville Order No. 18, filed 4:21 p. m.

#### REGION V

Fort Worth Order No. 1-F, Amendment No. 3, filed 4:19 p. m.

Fort Worth Order No. 2-F, Amendment No. 3, filed 4:16 p. m.

Fort Worth Order No. 3-F, Amendment No. 3, filed 4:16 p. m.

Fort Worth Order No. 4-F, Amendment No. 3, filed 4:17 p. m.

Fort Worth Order No. 5-F, Amendment No. 3, filed 4:17 p. m.

Fort Worth Order No. 9, Amendment No. 1, filed 4:17 p. m.

Fort Worth Order No. 10, Amendment No. 1, filed 4:17 p. m.

Tulsa Order No. G-8, filed 3:55 p. m.

Tulsa Order No. G-9, filed 3:55 p. m.

601 et seq.), and in accordance with the applicable rules of practice and procedure (7 CFR, 1941 Supp., 900.1-900.17; 7 F.R. 3350; 8 F.R. 2813).

This public hearing is for the purpose of receiving further evidence with respect to a proposed marketing agreement and order, the provisions of which are hereinafter set forth. The proposed marketing agreement and order have not received the approval of the War Food Administrator, and at the hearing evidence will be received relative to all aspects of the marketing conditions which are dealt with by the proposed marketing agreement and order. The provisions of the proposed marketing agreement and order are as follows:

**SECTION 1. Definitions.** The following terms as used herein shall have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(b) "War Food Administrator" means the War Food Administrator of the United States or any officer or employee of the United States or any officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to exercise the powers or to perform the duties of the War Food Administrator of the United States hereunder.

(c) "Suburban Chicago, Illinois, Marketing Area", hereinafter called "marketing area", means all of the territory geographically included within the city of Barrington in Lake County, the townships of Dundee, Elgin, St. Charles, Geneva, Batavia, and Aurora in Kane County, Cook, Du Page, and Will Counties, Illinois, and all of the territory geographically included within the townships of North, Calumet, and Hobart in Lake County, Indiana, excepting territory included in the marketing area defined in Federal Order No. 41, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area, issued under the act. "Segment 1" of the marketing area shall mean all of the territory geographically included within the city of Barrington in Lake County, within Cook and Du Page Counties, Illinois, and within the townships of North, Calumet, and Hobart in Lake County, Indiana, excepting territory included within the marketing area defined in Order No. 41, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area.

(d) "Person" means individual, partnership, corporation, association, or other business unit.

(e) "Producer" means any person, irrespective of whether such person is also

a handler, who produces milk which is received at a plant from which milk is used as Class I in the marketing area during the delivery period, excepting any person who is a producer under Federal Order No. 41, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area: *Provided*, That, as determined by the market administrator, more than 10 percent of the total receipts of milk at such plant is used as Class I milk in the marketing area, and such plant handles milk which is used as Class I milk in the marketing area for more than 10 days during the delivery period.

(f) "Handler" means any person who engages in handling milk, all, or any portion, of which is used as Class I milk in the marketing area, and who engages in such handling of milk as is in the current of interstate commerce, or which directly burdens, obstructs, or affects interstate commerce in milk or its products. This definition shall not be deemed to include any person who is subject to the definition of handler under Federal Order No. 41, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area.

(g) "Market administrator" means the agency which is described in section 2 for the administration hereof.

(h) "Delivery period" means the period from the effective date hereof until the end of the calendar month in which such effective date occurs. Thereafter, "delivery period" shall mean the current calendar month.

(i) "Cooperative association" means any cooperative association of producers which the War Food Administrator determines (1) to have its entire activities under the control of its members, and (2) to have and to be exercising full authority in the sale of milk of its members.

**SEC. 2. Market administrator** — (a) *Selection, removal, and bond.* The agency for the administration hereof shall be a market administrator who shall be a person selected and subject to removal by the War Food Administrator. The market administrator shall, within 45 days following the date upon which he enters upon his duties, execute and deliver to the War Food Administrator a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the War Food Administrator.

(b) *Compensation.* The market administrator shall be entitled to such reasonable compensation as shall be determined by the War Food Administrator.

(c) *Powers.* The market administrator shall have the power: (1) to administer the terms and provisions hereof, and (2) report to the War Food Administrator complaints of violations hereof.

(d) *Duties.* The market administrator, in addition to the duties hereinafter described, shall:

(1) Keep such books and records as will clearly reflect the transactions provided for herein;

(2) Submit his books and records to examination by the War Food Administrator at any and all times;

(3) Furnish such information and such verified reports as the War Food Administrator may request;

(4) Obtain a bond with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(5) Publicly disclose, after reasonable notice, the name of any person who has not made reports, pursuant to section 3, or made payments required by section 8;

(6) Prepare and disseminate, for the benefit of producers, consumers, and handlers, such statistics and information concerning the operation hereof as does not reveal confidential information;

(7) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof; and

(8) Pay, out of the funds received pursuant to section 9, the cost of his bond and of the bonds of such of his employees as handle funds entrusted to the market administrator, his own compensation, and all other expenses which will necessarily be incurred by him for the maintenance and functioning of his office and the performance of his duties, except those expenses incurred and provided for under section 10 hereof.

(e) *Announcement of prices.* The market administrator shall compute and publicly announce prices as follows:

(1) Not later than the 5th day after the end of each delivery period, the prices for all classes of milk pursuant to section 5 (a) and the differential pursuant to section 5 (c).

(2) Not later than the 14th day after the end of each delivery period, the uniform price for each handler computed pursuant to section 7 (b).

**SEC. 3. Reports of handlers** — (a) *Submission of reports.* Each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator, as follows:

(1) On or before the 7th day after the end of each delivery period, each handler who purchases or receives milk during such delivery period from associations of producers and other handlers, with respect to all milk purchased or received from such sources, shall submit to the market administrator and to the association of producers or handlers from whom the milk was purchased or received, a record of the utilization of such milk, classified pursuant to section 4.

(2) On or before the 9th day after the end of each delivery period, the quantity, butterfat test, and butterfat pounds of (i) the receipts of milk at each plant from producers, (ii) the receipts of milk and cream at each plant from other handlers, (iii) the receipts of milk or cream from sources other than producers and handlers, (iv) the receipts at each plant of the milk produced by him, and (v) the utilization of all receipts of milk and cream from the delivery period.

(3) On or before the 9th day after the end of each delivery period, the information requested with respect to producer additions, producer withdrawals, and changes in the names of farm operators.

(4) On or before the 25th day after the end of each delivery period, his producer pay roll, which shall show for each producer (i) the total delivery of milk with the average butterfat test thereof, (ii) the net amount of payment to such producer made pursuant to section 8, (iii) any deductions and changes made by the handler, and (iv) such other information with respect thereto as the market administrator may request.

(b) *Verification of reports and payments.* The market administrator shall verify all reports and payments of each handler by audit of such handler's records, and of the records of any other handler or person upon whose disposition of milk such handler claims classification. Each handler shall keep adequate records of receipts and utilization of milk and shall, during the usual hours of business, make available to the market administrator or his representative such records and facilities as will enable the market administrator to:

(1) Verify the receipts and disposition of all milk required to be reported pursuant to this section, and, in case of errors or omissions, ascertain the correct figures;

(2) Weigh, sample, and test for butterfat content the milk received from producers and any product of milk upon which classification depends; and

(3) Verify the payments to producers prescribed in section 8.

SEC. 4. *Classification of milk—(a) Basis of classification.* All milk received by a handler from producers, associations of producers, and other handlers, including milk produced by him, and including milk or cream purchased or received from sources other than producers or handlers, shall be reported by the handler in the classes set forth in (b) of this section, subject to the following conditions: (1) Milk or skim milk delivered by a handler to another handler shall be classified as Class I milk, and cream so delivered shall be classified as Class II milk: *Provided*, That if a different classification is agreed upon in written reports to the market administrator then the milk, skim milk, and cream shall be classified according to such agreement: *Provided further*, That in no event shall the amount so reported in any class be greater than the amount used in that class by the receiving handler; (2) Any milk or skim milk moving from the plant of a handler to the plant of a nonhandler shall be classified as Class I milk and any cream moved to such nonhandler shall be classified as Class II milk, excepting milk and cream in excess of the amount of Class I or Class II milk, distributed by such nonhandler: *Provided*, That if notification of a different classification is given by seller and purchaser in written reports to the market administrator then the milk, skim milk, or cream shall be classified according to such notification, subject to verification by the market administrator; (3) Milk that has moved from a plant, which has been determined by the market administrator as not regularly furnishing milk for Class I use and as not receiving milk from producers, to a handler's plant at which

milk is received from producers, shall be classified in the lowest class for which such handler has milk: *Provided*, That, upon satisfactory evidence to the market administrator, that such milk was needed and used in a higher classification, then such milk may be prorated on the basis of such handler's utilization of all milk; and (4) Milk received by a handler in the form of cream from a nonhandler shall be prorated to and on the basis of such handler's Class II, Class III, and Class IV milk.

(b) *Classes of utilization.* Subject to the conditions set forth in (a) of this section, the classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk disposed of in the form of fluid milk, excluding bulk disposed of to bakeries, soup companies, and candy manufacturing establishments, which do not distribute fluid milk but including bulk milk disposed of to hotels, restaurants, and other retail food establishments, and all milk not accounted for as Class II milk, Class III milk, or Class IV milk.

(2) Class II milk shall be all milk, except skim milk, disposed of in the form of flavored milk and flavored milk drinks, and all milk the butterfat from which is disposed of in the form of sweet or sour cream, cottage cheese, and butter-milk.

(3) Class III milk shall be all milk the butterfat from which is used to produce a milk product other than one of those specified in Class II and Class IV, and all bulk milk disposed of to bakeries, soup companies, and candy manufacturing establishments which do not distribute fluid milk.

(4) Class IV milk shall be all milk the butterfat from which is used to produce butter and cheese, except cottage cheese, and all milk accounted for as actual plant shrinkage: *Provided*, That such plant shrinkage shall not exceed 2 percent of the total receipts of milk from producers and from the handler's own production. Any handler whose report claimed the original classification of milk in this class shall be liable for the difference between the Class IV and Class III prices for the delivery period in which the Class IV classification was claimed on any such milk, if the butterfat used in the production of butter is subsequently used in the production of ice cream or ice cream mix.

(c) *Responsibility of handlers in establishing the classification of milk.* In establishing the classification of milk as required in (b) of this section, the responsibilities of handlers shall be as follows:

(1) In establishing the classification of any milk received by a handler from producers, the burden rests upon the handler who receives the milk from producers to account for the milk and to prove to the market administrator that such milk should not be classified as Class I milk.

(2) With respect to milk, or skimmed milk, disposed of to another handler, the burden rests upon the handler who received the milk from producers to account for the milk, or skimmed milk, and to prove to the market administra-

tor that such milk, or skimmed milk, should not be classified as Class I milk: *Provided*, That if verification by the market administrator discloses a higher utilization than that reported pursuant to section 3 (a) (1) for milk purchased by a handler from a producer or from a cooperative association, the market administrator shall notify the purchasing handler and such handler shall, within 5 days after notification by the market administrator, make adjustment on the basis of such higher utilization as verified by the market administrator.

(d) *Computation of milk in each class.* For each delivery period, each handler shall compute, in the manner and on forms prescribed by the market administrator, the amount of milk in each class, as defined in (b) of this section, as follows:

(1) Determine the total pounds of milk (i) received from producers, (ii) produced by him, (iii) received from other handlers, (iv) received from other sources, and (v) add together the resulting amounts.

(2) Determine the total pounds of butterfat received as follows: (i) multiply the weight of the milk received from producers by its average butterfat test, (ii) multiply the weight of the milk produced by him by its average butterfat test, (iii) multiply the weight of the milk received from other handlers by its average butterfat test, (iv) multiply the weight of the milk received from other sources by its average butterfat test, and (v) add together the resulting amount.

(3) Determine the total pounds of milk in Class I as follows: (i) convert to quarts the quantity of milk disposed of in the form of milk, and multiply by 2.15, (ii) multiply the result by the average butterfat test, and (iii) if the quantity of butterfat so computed when added to the pounds of butterfat in Class II, Class III, and Class IV milk computed pursuant to (4) (ii), (5) (ii), and (6) (ii), of this paragraph, is less than the total pounds of butterfat received, computed in accordance with (2) of this paragraph, an amount equal to the difference shall be divided by 3.5 percent and added to the quantity of milk determined pursuant to (i) of this subparagraph.

(4) Determine the total pounds of milk in Class II as follows: (i) multiply the actual weight of each of the several products of Class II milk by its average butterfat test, (ii) add together the resulting amounts, and (iii) divide the result obtained in (ii) of this subparagraph by 3.5 percent.

(5) Determine the total pounds of milk in Class III as follows: (i) multiply the actual weight of each of the several products of Class III milk by its average butterfat test, (ii) add together the resulting amounts, and (iii) divide the result obtained in (ii) of this subparagraph by 3.5 percent.

(6) Determine the total pounds of milk in Class IV as follows: (i) multiply the actual weight of each of the several products of Class IV milk by its average butter fat test, (ii) add together the resulting amounts, (iii) subtract the total pounds of butterfat in Class I milk, Class

II milk, and Class III milk, computed pursuant to (3) (ii), (4) (ii), and (5) (ii) of this paragraph, and the total pounds of butterfat computed pursuant to (ii) of this subparagraph, from the total pounds of butterfat computed pursuant to (2) of this paragraph, which resulting quantity shall be allowed as plant shrinkage for the purpose of this paragraph (but in no event shall such plant shrinkage allowance exceed 2 percent of the total receipts of butterfat from producers by the handler) and shall be added to the result obtained in (ii) of this subparagraph, and (iv) divide the result obtained in (ii) of this subparagraph by 3.5 percent.

(7) Determine the classification of milk received from producers as follows:

(i) Subtract from the total pounds of milk in each class the total pounds of milk which were received from other handlers and used in such class, as provided for in section 4 (a); and

(ii) Subtract from the total pounds of milk in each class the total pounds of milk which were received from sources other than producers and handlers and used in such class, as provided for in section 4 (a).

(e) *Reconciliation of utilization of milk by classes with receipts of milk from producers.* In the event of a difference between the total quantity of milk utilized in several classes as computed pursuant to (d) of this section and the quantity of milk received from producers, except for excess milk or milk equivalent of butterfat pursuant to section 6 (c), such difference shall be reconciled as follows:

(1) If the total utilization of milk in the various classes for any handler, as computed pursuant to (d) of this section, is less than the receipts of milk from producers, the market administrator shall increase the total pounds of milk in Class IV for such handler by an amount equal to the difference between the receipts of milk from producers and the total utilization of milk by classes for such handler.

(2) If the total utilization of milk in the various classes for any handler, as computed pursuant to (d) of this section, is greater than the receipts of milk from producers, the market administrator shall decrease the total pounds of milk in Class IV for such handler by an amount equal to the difference between the receipts of milk from producers and the total utilization of milk by classes for such handler.

**Sec. 5. Minimum prices—(a) Class prices.** Subject to the provisions of (c), (d), and (e) of this section, each handler shall pay, at the time and in the manner set forth in section 8, for milk purchased or received by such handler from producers at a plant, distributing station, or depot located in the marketing area from which milk is disposed of at wholesale or retail, not less than the prices set forth in this section.

(1) *Class I milk.* The prices per hundredweight to be paid for Class II milk during each delivery period shall be as follows:

(i) By handlers in segment 1 of the marketing area: In the case of milk produced under dairy farm permits or ratings, issued by the proper health

authorities, indicating compliance with the production requirements established for milk of Grade A quality, the Class I price shall be the price determined pursuant to (b) of this section, plus 70 cents. In the case of milk of producers who do not hold such permits or ratings, the Class I price shall be the price determined pursuant to (b) of this section, plus 60 cents.

(ii) By handlers in segment 2 of the marketing area: The price for Class I milk shall be the price determined pursuant to (b) of this section, plus 70 cents.

(2) *Class II milk.* The prices per hundredweight to be paid for Class II milk during each delivery period shall be as follows:

(i) By handlers in segment 1 of the marketing area: In the case of milk produced under dairy farm permits or ratings, issued by the proper health authorities, indicating compliance with the production requirements established for milk of Grade A quality, the Class II price shall be the price determined pursuant to (b) of this section, plus 32 cents. In the case of milk of producers who do not hold such permits or ratings, the Class II price shall be the price determined pursuant to (b) of this section, plus 22 cents.

(ii) By handlers in segment 2 of the marketing area: The price for Class II milk shall be the price determined pursuant to (b) of this section, plus 32 cents.

(3) *Class III milk.* The price per hundredweight for milk containing 3.5 percent butterfat during each delivery period shall be the average computed by the market administrator, of prices reported by the United States Department of Agriculture (or by such other Federal agency as may hereafter be authorized to perform this price reporting function) paid during such delivery period to farmers at each of the places or evaporated milk plants where milk is received from producers, as hereinafter listed, and for which prices are reported, but in no event shall such price be less than the price computed pursuant to the formula set forth in (b) of this section.

#### *Concern and Location.*

Borden Company, Battle Creek, Michigan.  
Borden Company, Greenville, Wisconsin.  
Borden Company, Mount Pleasant, Michigan.

Borden Company, New London, Wisconsin.  
Borden Company, Orfordville, Wisconsin.  
Carnation Company, Berlin, Wisconsin.  
Carnation Company, Jefferson, Wisconsin.  
Carnation Company, Chilton, Wisconsin.  
Carnation Company, Oconomowoc, Wisconsin.

Carnation Company, Richland Center, Wisconsin.

Carnation Company, Sparta, Wisconsin.  
Pet Milk Company, Belleville, Wisconsin.  
Pet Milk Company, Coopersville, Michigan.  
Pet Milk Company, Hudson, Michigan.

Pet Milk Company, New Glarus, Wisconsin.  
Pet Milk Company, Wayland, Michigan.  
White House Milk Company, Manitowoc, Wisconsin.

White House Milk Company, West Bend, Wisconsin.

(4) *Class IV milk:* Multiply by 3.5 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Depart-

ment of Agriculture (or by such other Federal agency as may hereafter be authorized to perform this price reporting function) for the delivery period during which such milk was received, and add 20 percent: *Provided,* That such price shall be subject to the following adjustments: (1) add 3½ cents per hundredweight for each full one-half cent that the price of dry skim milk for human consumption is above 5½ cents per pound, or (2) subtract 3½ cents per hundredweight for each full one-half cent that the price of such dry skim milk is below 5½ cents per pound. For purposes of determining this adjustment the price per pound of dry skim milk to be used shall be the average of the carlot prices for dry skim milk for human consumption, f. o. b. manufacturing plant, as published by the United States Department of Agriculture (or by such other Federal agency as may hereafter be authorized to perform this price reporting function) for the Chicago area during the delivery period, including in such average the quotations published for any fractional part of the previous delivery period which were not published and available for the price determination of such dry skim milk for the previous delivery period. In the event the United States Department of Agriculture does not publish carlot prices for dry skim milk for human consumption, f. o. b. manufacturing plant, the average of the carlot prices for dry skim milk for human consumption, delivered at Chicago, shall be used. In the latter event the Class IV price shall be subject to the following adjustments: (1) add 3½ cents per hundredweight for each full one-half cent that the price of dry skim milk for human consumption, delivered at Chicago, is above 7½ cents per pound, or (2) subtract 3½ cents per hundredweight for each full one-half cent that such price of dry skim milk is below 7½ cents per pound.

(b) *Basic formula price to be used in determining Class I and Class II prices.* The basic formula price to be used in determining the prices per hundredweight of Class I and Class II milk, set forth in this section, shall be the price for Class III milk determined pursuant to (a) (3) of this section, the price for Class IV milk determined pursuant to (a) (4) of this section, or that derived from the following formula, whichever is the highest:

(1) Multiply the average wholesale price per pound of 92-score butter at Chicago for the delivery period as reported by the United States Department of Agriculture (or by such other Federal agency as may hereafter be authorized to perform this price reporting function) by six (6);

(2) Add 2.4 times the average weekly prevailing price per pound of "Twins" during the delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided,* That if the price of "Twins" is not quoted on the Wisconsin Cheese Exchange the weekly prevailing price of "Cheddars" shall be deemed to be the prevailing price for "Twins" and shall be used in determining the price pursuant to this formula;

(3) Divide by seven (7), the sum so determined, being hereafter referred to in this paragraph as the "combined butter and cheese value";

(4) To the combined butter and cheese value add 30 percent thereof; and

(5) Multiply the sum computed in (4) of this paragraph by 3.5.

(c) *Butterfat differential to handlers.* If any handler has purchased or received milk from producers containing more or less than 3.5 percent butterfat, such handler shall add or deduct, per hundredweight of milk, for each one-tenth of 1 percent butterfat above or below 3.5 percent, an amount computed as follows: to the average price per pound of 92-score butter at wholesale in the Chicago market, as computed under (a) (4) of this section, add 20 percent and divide the result by 10.

(d) *Location adjustments to handlers.* (1) With respect to milk purchased or received from producers at a plant located more than 70 miles by rail or highway, whichever is the shorter, from the City Hall of Chicago, Illinois, which is classified as Class I milk or Class II milk, there shall be deducted 10 cents per hundredweight, plus 2 cents per hundredweight and one-fourth cent per hundredweight on each class, respectively, for each additional 15 miles or part thereof that such plant is located in excess of 70 miles from City Hall in Chicago, Illinois: *Provided*, That no such deduction shall apply to unaccounted for milk classified as Class I milk pursuant to section 4 (d) (3) and such milk shall be considered to have been received at the most distant plant at which the handler received milk from producers: *Provided further*, That if any handler can prove to the market administrator that the l. c. l. freight rate, approved by the Interstate Commerce Commission, or the State authorities having power to fix intrastate rail rates, for the movement of cream in 40-quart cans from the shipping point for the plant where such milk is received from producers to the marketing area is greater than one-fourth cent per hundredweight of milk, such actual freight rate shall be allowed such handler on Class II milk, but in no case shall such rate exceed one-half cent per hundredweight of milk. There shall be no location adjustment to handlers with respect to Class III milk or Class IV milk.

(2) For purposes of this paragraph and of section 4, Class I milk shall be considered to be that milk purchased or received from producers at plants located in or nearest to the marketing area at which milk is received from producers: *Provided*, That when actual shipments of milk by any handler from two or more plants located in different zones are shown to be in excess of such handler's Class I milk, the location adjustments on Class I milk, as provided in this section shall be applied to such milk, up to and including 110 percent of such handler's Class I milk. Class II milk shall be considered to be that milk purchased or received from producers at plants located nearest to the marketing area after accounting for Class I milk, from which whole milk or cream is shipped to the marketing area: *Provided*

further, That upon proof satisfactory to the market administrator that Class II milk was received from producers at a more distant plant, location adjustment shall be allowed from the plant at which such Class II milk was received from producers.

(e) *Adjustment of class prices by War Food Administrator.* Whenever the War Food Administrator finds and announces that the Class I or Class II price determined pursuant to this section is not in accordance with the public interest, the applicable price for the delivery period shall be the same as the price for the same class for the delivery period immediately preceding.

SEC. 6. *Application of provisions—(a) Handlers who are also producers.* (1) No provision hereof shall apply to a handler whose sole sources of supply are receipts of milk from his own production and from other handlers, except that such handler shall make reports to the market administrator at such time and in such manner as the market administrator may request.

(2) In computing the value of milk for any handler pursuant hereto, the market administrator shall consider any milk or cream received in bulk by such handler from a handler who is also a producer as described in this section as a receipt from a producer.

(b) *Payment for milk received from sources determined as other than producers or other handlers or from plants not covered by the proviso of section 1 (e).* If any handler has received milk from sources determined by the market administrator to be other than producers or handlers, or from a plant not covered by the proviso of section 1 (e), the difference between the value of such milk according to its use as Class I or Class II milk, as computed pursuant to section 7 (a), and its value at the Class III price shall be paid to producers: *Provided*, That if such handler proves to the satisfaction of the market administrator that he paid more than the Class III price for such milk, the market administrator may use the price paid instead of the Class III price in making this computation. If such milk is used as Class III or Class IV milk, no price adjustment shall be made.

(c) *Payment for excess milk or butterfat.* In the event that a handler, after subtracting receipts from other handlers, and receipts from sources determined as other than producers or other handlers, had disposed of milk or butterfat in excess of the milk or butterfat which has been credited to his producers as having been delivered by them, the value of such milk or milk equivalent of such butterfat in accordance with its utilization shall be added to such handler's obligations to producers pursuant to section 7 in the computation of the uniform price for the delivery period next following discovery thereof.

(d) *Separate treatment of Grade A milk.* If any plant receives both types of milk as described in section 5 (a) (1) (i), all sections hereof shall be applied to each type of milk separately.

SEC. 7. *Determination of minimum prices to be paid to producers—(a) Computation of value of milk for each han-*

*dler.* For each delivery period the market administrator shall compute the value of all milk received by each handler from producers by (1) multiplying the total quantity of such milk in each class as determined pursuant to section 4 by the class price with the appropriate differential applicable to section 5 (c), (2) adding together the resulting values of each class, and (3) adding any amount computed to be paid pursuant to section 6.

(b) *Computation of uniform price for each handler.* The market administrator shall compute for each handler the uniform price per hundredweight of milk received at such handler's plant, as follows:

(1) To the value computed pursuant to (a) of this section:

(i) Add to the value computed pursuant to (a) of this section the total amount of the location adjustments applicable pursuant to section 8 (c).

(ii) Deduct, if the average butterfat content of all milk received from producers is in excess of 3.5 percent, or add, if the average butterfat content of all milk received from producers is less than 3.5 percent, the total value of the butterfat differential applicable pursuant to section 8 (b).

(iii) Add or subtract the moneys resulting from the fractional cents used in adjusting previous month's price to the nearest cent.

(iv) Divide by the hundredweight of milk received from producers.

(v) Adjust the resulting price to the nearest cent.

SEC. 8. *Payment for milk—(a) Time and method of payment.* On or before the 18th day after the end of each delivery period each handler shall pay each producer, for milk purchased or received during the delivery period, an amount of money representing not less than the total value of such milk, at the uniform price per hundredweight, computed pursuant to section 7 (b) subject to the location adjustments and butterfat differential set forth under (b) of this section.

(b) *Butterfat differential to producers.* For each one-tenth of 1 percent of average butterfat content above or below 3.5 percent in milk received from any producer during the delivery period, the uniform price paid to such producer shall be plus or minus, as the case may be, an amount computed as follows: to the average wholesale price per pound of 92-score butter in the Chicago market, as computed under section 5 (a) (4), add 20 percent, and divide the result by 10.

(c) *Location adjustments to producers.* In making payments to producers pursuant to paragraph (a) of this section, handlers shall deduct with respect to all milk purchased or received from producers at a plant located more than 70 miles by rail or highway, whichever is the shorter, from the City Hall in Chicago, Illinois, the amount specified as follows:

Cents per hundredweight	
Within 71 to 85 miles	12
Within 85.1 to 100 miles	14
Within 100.1 to 115 miles	16
Within 115.1 to 130 miles	18
Within 130.1 to 145 miles	20
Within 145.1 to 160 miles	22
Within 160.1 to 175 miles	24

For each 15 miles or part thereof beyond 175 miles from the City Hall in Chicago, Illinois, an additional one-half cent per hundredweight.

**SEC. 9. Expense of administration.** As his prorata share of expense of the administration hereof each handler, except handlers described under section 6 (a) (1) and handlers whose plants are not covered by the proviso of section 1 (e), shall pay to the market administrator, on or before the 18th day after the end of each delivery period, an amount not exceeding 4 cents per hundredweight with respect to all milk purchased or received by him during such delivery period from producers, including own production, and from sources other than producers or other handlers, the exact sum to be determined by the market administrator, subject to review by the War Food Administrator.

**SEC. 10. Marketing services—(a) Marketing service deduction.** In making payments to producers pursuant to section 8, each handler, with respect to all milk received from each producer during each delivery period, at a plant not operated by a cooperative association of which such producer is a member, shall, except as set forth in (b) of this section, deduct 3 cents per hundredweight (or such lesser amount as the market administrator shall determine to be sufficient, such determination to be subject to review by the War Food Administrator), and shall, on or before the 18th day after the end of such delivery period, pay such deductions to the market administrator. Such moneys shall be expended by the market administrator for verification of weights, samples, and tests of milk received from such producers and in providing for market information to such producers. The market administrator may contract with an association or associations of producers for the furnishing of the whole or any part of such services to, or with respect to, the milk received from such producers.

**(b) Marketing service deductions with respect to members of a producers' cooperative association.** In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members and for whom a cooperative association is actually performing the services set forth in (a) of this section, each handler shall, in lieu of the deductions specified in (a) of this section, make such deductions from payments made pursuant to section 8 as may be authorized by such producers, and pay over, on or before the 18th day after the end of each delivery period, such deductions to the association rendering such service of which such producers are members.

**SEC. 11. Effective time, suspension, or termination—(a) Effective time.** The provisions hereof, or any amendment hereto, shall become effective at such time as the War Food Administrator may declare and shall continue in force until suspended, or terminated, pursuant to (b) of this section.

**(b) Suspension or termination.** Any or all of the provisions hereof, or any amendment hereto, shall be suspended or terminated as to any or all handlers

after such reasonable notice as the War Food Administrator may give and, in any event, shall terminate whenever the provisions of the act authorizing it cease to be in effect.

**(c) Continuing power and duty of the market administrator.** (1) If, upon the suspension or termination of any or all provisions hereof there are any obligations arising hereunder the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the War Food Administrator so directs, be performed by such other person, persons, or agency as the War Food Administrator may designate.

(2) The market administrator, or such other person as the War Food Administrator may designate, shall (i) continue in such capacity until removed, (ii) from time to time account for all receipts and disbursements and when so directed by the War Food Administrator deliver all funds on hand, together with the books and records of the market administrator or such person, to such person as the War Food Administrator shall direct, and (iii) if so directed by the War Food Administrator, execute assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

**(d) Liquidation after suspension or termination.** Upon the suspension or termination of any or all provisions hereof the market administrator, or such other person as the War Food Administrator may designate, shall, if so directed by the War Food Administrator, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

**SEC. 12. Agents.** The War Food Administrator may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

**SEC. 13. Emergency price provision.** Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy, or other similar payment, being made by any Federal agency in connection with the milk, or product, associated with the price specified: *Provided*, That if for any reason the price specified is

not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any such subsidy or other similar payment: *Provided further*, That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the War Food Administrator determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the War Food Administrator to be equivalent to or comparable with the price specified.

The following provisions apply to the proposed marketing agreement only.

**SEC. 14. Liability of handlers.** The liability of the handlers hereunder is several and not joint, and no handler shall be liable for the default of any other handler.

**SEC. 15. Counterparts and additional parties—(a) Counterparts of marketing agreement.** This marketing agreement may be executed in multiple counterparts and when one counterpart is signed by the War Food Administrator all such counterparts shall constitute, when taken together, one and the same instrument, as if all such signatures were obtained in one original.

**(b) Additional parties to the marketing agreement.** After this agreement first takes effect, any handler may become a party thereto if a counterpart of such agreement is executed by him and delivered to the War Food Administrator. This agreement shall take effect to such new contracting party at the time such counterpart is delivered to the War Food Administrator, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.

**SEC. 16. Record of milk handled and authorization to correct typographical errors.** (a) The undersigned certifies that he handled during the month of \_\_\_\_\_ 194\_\_\_\_ pounds of milk covered by this agreement and disposed of within the marketing area.

**(b) Authorization to correct typographical errors.** The undersigned hereby authorizes the Chief or Acting Chief, Dairy and Poultry Branch, Office of Distribution, War Food Administration, to correct any typographical errors which may have been made in this marketing agreement.

In witness whereof, the contracting handlers acting under the provisions of the act for the purpose and subject to the limitations herein contained, and not otherwise, have hereunto set their respective hands and seals.

Copies of this notice of hearing may be procured from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 1331 South Building, Washington, D. C., or may be there inspected.

Dated: March 6, 1944.

ASHLEY SELLERS,  
Assistant War Food Administrator.

[F. R. Doc. 44-3254; Filed, March 7, 1944;  
11:27 a.m.]

## WAR MANPOWER COMMISSION.

BLOOMINGTON-CHAMPAIGN-KANKAKEE, ILL.  
WAR MANPOWER COMMISSION AREA

## EMPLOYMENT STABILIZATION PLAN

The following employment stabilization program for the Bloomington-Champaign-Kankakee War Manpower Commission Area is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Programs," effective August 16, 1943 (8 F.R. 11338).

Sec.

- I. Objectives.
- II. Geographic content of the area.
- III. Definitions of terms used in this plan.
- IV. Control of hiring and solicitation of workers.
- V. Provisions governing the orderly transfer of workers.
- VI. Authority and responsibility of the Bloomington - Champaign - Kankakee Area Labor-Management War Manpower Committees.
- VII. Posting pertinent provisions of this plan.
- VIII. Revocation of existing stabilization plans.
- IX. Effective date.

**I. Objectives.** The purpose of this employment stabilization plan is to assist the War Manpower Commission in bringing about, by measures equitable to labor and management, and necessary for the effective prosecution of the war:

- (a) The elimination of wasteful labor turnover in essential activities.
- (b) The reduction of unnecessary labor migration.
- (c) The direction of the flow of scarce labor where most needed in the war program.
- (d) The maximum utilization of manpower resources.
- (e) The establishment of procedures for the orderly transfer of essential workers.

**II. Geographic content of the area.** The Bloomington-Champaign-Kankakee Area has been designated by the Regional Director of the War Manpower Commission to consist of the following counties:

Champaign, Douglas, Ford, Iroquois, Kankakee, Livingston, and McLean.

The boundaries of the Bloomington-Champaign-Kankakee Area may be changed upon recommendation of the Area Director and approval by the Regional Director of the War Manpower Commission.

**III. Definitions of terms used in this plan.** (a) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees, and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

(b) "State" includes Alaska, Hawaii, and the District of Columbia.

(c) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days' duration and employment which is supplemental to the employee's principal work shall be disregarded.

(d) "Critical occupation" means any occupation designated as a critical occupation by the Chairman of the War Manpower Commission. (See War Manpower List of Critical Occupations, 8 F.R. 11420.)

(e) "Essential activity" means any activity included in the War Manpower Commission List of Essential Activities. (8 F.R. 11421.)

(f) "Locally needed activity" means any activity approved by the Regional Manpower Director as a locally needed activity.

(g) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employments mean his principal employment.

(h) The "War Manpower Commission" is the commission established by Executive Order No. 9139, hereafter referred to as WMC.

(i) The "Bloomington - Champaign - Kankakee Area Labor-Management War Manpower Committee," referred to herein as the Area Committee, is that body composed of representatives of Management and Labor who have been appointed by the Regional Director of the War Manpower Commission for Region VI to act as the Bloomington-Champaign-Kankakee Area Labor-Management War Manpower Committee.

(j) The "United States Employment Service of the War Manpower Commission," herein referred to as the USES, is the Federal Employment Service which shall be deemed to include any employment office of that Service.

(k) The "Regional Director" is the chief administrative officer of the War Manpower Commission for Region VI, which consists of the following states: Illinois, Indiana, Wisconsin.

(l) The "Area Director" is the administrative officer of the War Manpower Commission responsible to the Regional Director for the administration of the policies and directives of the War Manpower Commission within the War Manpower Area as defined in section II of this plan.

**IV. Control of hiring and solicitation of Workers.** All hiring and solicitation of workers in, or for work in, the Bloomington-Champaign-Kankakee Area shall be conducted in accordance with this plan.

**V. Provisions governing the orderly transfer of workers—(a) General provisions.** 1. A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would

aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

(a) Such individual is hired for work in an essential or locally needed activity or for work to which he has been referred by the USES, and

(b) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the USES, or is hired with its consent, as provided herein.

**2. Issuance of statements of availability by employers.** An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability from his employer if:

(a) He has been discharged, or his employment has been otherwise terminated by his employer, or

(b) He has been laid off for an indefinite period, or for a period of seven or more days, or

(c) Continuance of his employment would involve undue personal hardship, or

(d) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or

(e) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

**3. Issuance of statements of availability by the USES.** (a) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in subsection 2 is found to exist in his case. If the employer fails or refuses to issue a statement, the USES, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual.

(b) A statement of availability shall be issued by the USES to any individual in the employ of an employer who the WMC finds, after notice, hearing and final decision, has not complied with any WMC employment stabilization plan, regulation or policy, and for so long as such employer continues his non-compliance after such finding.

**4. Referral in case of under-utilization.** If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort, the USES may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized in the war effort.

**5. Workers who may be hired only upon referral by the USES.** (a) A new employee may not be hired solely upon presentation of a statement of avail-

ability, but may be hired only upon referral by, or in accordance with arrangements with, the USES when:

(1) The new employee is to be hired for work in a critical occupation, or his statement of availability indicates that his last employment was in a critical occupation.

(2) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period.

(3) The new employee's last regular employment was in agriculture and he is to be hired for non-agricultural work: *Provided*, That no such individual shall be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration. *And provided*, That such an individual may be hired for non-agricultural work for a period not to exceed six weeks without referral or presentation of a statement of availability.

(b) Encouragement of local initiative and use of existing hiring channels. To the maximum degree consistent with this employment stabilization plan, local initiative and cooperative efforts shall be encouraged and utilized and maximum use made of existing hiring channels such as private employers, labor organizations, professional organizations, schools, colleges, technical institutions and government agencies.

6. Exclusions. No provision of this employment stabilization plan shall be applicable to:

(a) The hiring of a new employee for agricultural employment.

(b) The hiring of a new employee for work of less than seven days' duration, or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purposes of this plan, unless the employee is customarily engaged in work less than seven days' duration.

(c) The hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii.

(d) The hiring by a foreign, State, county or municipal government, or their political subdivisions, or their agencies, and instrumentalities, or to the hiring of any of their employees, unless such foreign, State, county or municipal government, or political subdivision or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the plan.

(e) The hiring of a new employee for domestic service, or to the hiring of a new employee whose last regular employment was in domestic service.

(f) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination or the vacation period.

7. Appeals. Any worker or employer may appeal from any act or failure to act by the WMC under the employment

stabilization plan, in accordance with regulations and procedures of the WMC.

8. Content of statements of availability. A statement of availability issued to an individual pursuant to this plan shall contain only the individual's name, address, social security number, if any, the name and address of the issuing employer, or WMC officer and office, the date of issuance, a statement as to whether or not the individual's last employment was in a critical occupation, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the WMC;

9. Solicitation of workers. No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such an individual would be subject to restrictions under this employment stabilization plan, except in a manner consistent with such restrictions;

10. Hiring. The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship;

11. Representation. Nothing contained in the plan shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by the labor organization of which he is a member or any other representative freely chosen by him, at any step in the operation of the plan;

12. General referral policies. No provision in this plan shall limit the authority of the USES to make referrals in accordance with approved policies and instructions of the WMC.

13. Collective bargaining agreements. Nothing in this plan shall be construed to prejudice existing rights of an employee or an employer under a collective bargaining agreement.

VI. Authority and responsibility of the Bloomington-Champaign-Kankakee Area Labor-Management War Manpower Committee. The Area Labor-Management War Manpower Committee for the Bloomington-Champaign-Kankakee Area is authorized to consider questions of policy, standards, and safeguards in connection with the administration of this employment stabilization plan, and to make recommendations to the Area Director.

VII. Posting pertinent provisions of this plan. The pertinent provisions of this employment stabilization plan shall be posted on bulletin boards or any other appropriate places in plants or places of business of employers covered by this plan, in accordance with instructions of the Area Director of the Bloomington-Champaign-Kankakee Area of the WMC, Region VI.

VIII. Revocation of existing stabilization plans. The Bloomington-Champaign-Kankakee Area stabilization plan, effective June 9, 1943, together with all instructions and procedures adopted

which may be in conflict with the provisions of this plan, are hereby revoked, effective as of 12:01 a. m., October 14, 1943.

IX. Effective date. This plan shall become effective at 12:01 a. m. on October 14, 1943.

Signed: September 28, 1943.

WILLIAM G. FUZAK,  
Area Director, Bloomington-  
Champaign-Kankakee Area.

Approved: October 5, 1943.

W. H. SPENCER,  
Regional Director, Region VI.

[F. R. Doc. 44-3198; Filed, March 6, 1944;  
10:45 a. m.]

#### LA SALLE-STERLING, ILL., WAR MANPOWER COMMISSION AREA

##### EMPLOYMENT STABILIZATION PLAN

The following employment stabilization program for the La Salle-Sterling War Manpower Commission Area is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Programs," effective August 16, 1943 (8 F.R. 11338),

Sec.

- I. Objectives.
- II. Geographic content of the area.
- III. Definitions of terms used in this plan.
- IV. Control of hiring and solicitation of workers.
- V. Provisions governing the orderly transfer of workers.
- VI. Authority and responsibility of the La Salle-Sterling Area Labor-Management War Manpower Committee.
- VII. Posting pertinent provisions of this plan.
- VIII. Revocation of existing stabilization plans.
- IX. Effective date.

I. Objectives. The purpose of this employment stabilization plan is to assist the War Manpower Commission in bringing about, by measures equitable to labor and management, and necessary for the effective prosecution of the war:

- (a) The elimination of wasteful labor turnover in essential activities;
- (b) The reduction of unnecessary labor migration;
- (c) The direction of the flow of scarce labor where most needed in the war program;
- (d) The maximum utilization of manpower resources;
- (e) The establishment of procedures for the orderly transfer of essential workers.

II. Geographic content of the area. The La Salle-Sterling Area has been designated by the Regional Director of the War Manpower Commission to consist of the following counties:

Bureau, Carroll, La Salle, Lee, Ogle, Putnam, and Whiteside.

The boundaries of the La Salle-Sterling Area may be changed upon recommendation of the Area Director and ap-

proval by the Regional Director of the War Manpower Commission.

**III. Definitions of terms used in this plan.** (a) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees, and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing of commercial operations.

(b) "State" includes Alaska, Hawaii, and the District of Columbia.

(c) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days' duration and employment which is supplemental to the employee's principal work shall be disregarded.

(d) "Critical occupation" means any occupation designated as a critical occupation by the Chairman of the War Manpower Commission. (See War Manpower List of Critical Occupations, 8 F.R. 11420.)

(e) "Essential activity" means any activity included in the War Manpower Commission List of Essential Activities. (8 F.R. 11421.)

(f) "Locally needed activity" means any activity approved by the Regional Manpower Director as a locally needed activity.

(g) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employments mean his principal employment.

(h) The "War Manpower Commission" is the commission established by Executive Order No. 9139, hereafter referred to as WMC.

(i) The "La Salle-Sterling Area Labor-Management War Manpower Committee," referred to herein as the Area Committee, is that body composed of representatives of Management and Labor who have been appointed by the Regional Director of the War Manpower Commission for Region VI to act as the La Salle-Sterling Area Labor-Management War Manpower Committee.

(j) The "United States Employment Service of the War Manpower Commission", herein referred to as the USES, is the Federal Employment Service which shall be deemed to include any employment office of that Service.

(k) The "Regional Director" is the chief administrative officer of the War Manpower Commission for Region VI, which consists of the following States: Illinois, Indiana, Wisconsin.

(l) The "Area Director" is the administrative officer of the War Manpower Commission responsible to the Regional Director for the administration of the policies and directives of the War

Manpower Commission within the War Manpower Area as defined in section II of this plan.

**IV. Control of hiring and solicitation of workers.** All hiring and solicitation of workers in, or for work in, the La Salle-Sterling Area shall be conducted in accordance with this plan.

**V. Provisions governing the orderly transfer of workers—(a) General provisions.** 1. A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

(a) Such individual is hired for work in an essential or locally needed activity or for work to which he has been referred by the USES, and

(b) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the USES, or is hired with its consent, as provided herein.

**2. Issuance of statements of availability by employers.** An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability from his employer if:

(a) He has been discharged, or his employment has been otherwise terminated by his employer, or

(b) He has been laid off for an indefinite period, or for a period of seven or more days, or

(c) Continuance of his employment would involve undue personal hardship, or

(d) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or

(e) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

**3. Issuance of statements of availability by the USES.** (a) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in subsection 2 is found to exist in his case. If the employer fails or refuses to issue a statement, the USES, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual.

(b) A statement of availability shall be issued by the USES to any individual in the employ of an employer who the WMC finds, after notice, hearing and final decision, has not complied with any WMC employment stabilization plan, regulation or policy, and for so long as such employer continues his non-compliance after such finding.

**4. Referral in case of under-utilization.** If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort, the USES may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized in the war effort.

**5. Workers who may be hired only upon referral by the USES.** (a) A new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or in accordance with arrangements with, the USES when:

(1) The new employee is to be hired for work in a critical occupation, or his statement of availability indicates that his last employment was in a critical occupation.

(2) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period.

(3) The new employee's last regular employment was in agriculture, and he is to be hired for non-agricultural work: *Provided*, That no such individual shall be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration: *And provided*, That such an individual may be hired for non-agricultural work for a period not to exceed six weeks without referral or presentation of a statement of availability.

**(b) Encouragement of local initiative and use of existing hiring channels.** To the maximum degree consistent with this employment stabilization plan, local initiative and cooperative efforts shall be encouraged and utilized and maximum use made of existing hiring channels such as private employers, labor organizations, professional organizations, schools, colleges, technical institutions and government agencies.

**6. Exclusions.** No provision of this employment stabilization plan shall be applicable to:

(a) The hiring of a new employee for agricultural employment.

(b) The hiring of a new employee for work of less than seven days' duration, or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purposes of this plan, unless the employee is customarily engaged in work of less than seven days' duration.

(c) The hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii.

(d) The hiring by a foreign, State, county, or municipal government, or their political subdivisions, or their agencies, and instrumentalities, or to the hiring of any of their employees, unless such foreign, State, county, or municipal government, or political subdivision or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the plan.

(e) The hiring of a new employee for domestic service, or to the hiring of a new employee whose last regular employment was in domestic service.

(f) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period.

**7. Appeals.** Any worker or employer may appeal from any act or failure to act by the WMC under the employment stabilization plan, in accordance with regulations and procedures of the WMC.

**8. Content of statements of availability.** A statement of availability issued to an individual pursuant to this plan shall contain only the individual's name, address, social security number, if any, the name and address of the issuing employer, or WMC officer and office, the date of issuance, a statement as to whether or not the individual's last employment was in a critical occupation, and such other information not prejudicial to the employee in seeking new employments as may be authorized or required by the WMC.

**9. Solicitation of workers.** No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such an individual would be subject to restrictions under this employment stabilization plan, except in a manner consistent with such restrictions.

**10. Hiring.** The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

**11. Representation.** Nothing contained in the plan shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by, the labor organization of which he is a member or any other representative freely chosen by him, at any step in the operation of the plan.

**12. General referral policies.** No provision in this plan shall limit the authority of the USES to make referrals in accordance with approved policies and instructions of the WMC.

**13. Collective bargaining agreements.** Nothing in this plan shall be construed to prejudice existing rights of an employee or an employer under a collective bargaining agreement.

**VI. Authority and responsibility of the La Salle-Sterling Area Labor-Management War Manpower Committee.** The Area Labor-Management War Manpower Committee for the La Salle-Sterling Area is authorized to consider questions of policy, standards, and safeguards in connection with the administration of this employment stabilization plan, and to make recommendations to the Area Director.

**VII. Posting pertinent provisions of this plan.** The pertinent provisions of this employment stabilization plan shall be posted on bulletin boards or any other

appropriate places in plants or places of business of employers covered by this plan, in accordance with instructions of the Area Director of the La Salle-Sterling Area of the WMC, Region VI.

**VIII. Revocation of existing stabilization plans.** The La Salle-Sterling Area stabilization plan, effective May 7, 1943, together with all instructions and procedures adopted which may be in conflict with the provisions of this plan, are hereby revoked, effective as of October 14, 1943.

**IX. Effective date.** This plan shall become effective at 12:01 a. m. on October 14, 1943.

Signed: September 28, 1943.

JOSEPH C. BROOKS,  
Area Director,  
La Salle-Sterling Area.

Approved: October 5, 1943.

W. H. SPENCER,  
Regional Director, Region VI.

[F. R. Doc. 44-3190; Filed, March 6, 1944;  
10:41 a. m.]

#### ILLINOIS TRI-CITY WAR MANPOWER COMMISSION AREA

##### EMPLOYMENT STABILIZATION PLAN

The following employment stabilization program for the Illinois Tri-City War Manpower Commission Area is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Programs," effective August 16, 1943 (8 F.R. 11338).

###### Sec.

- I. Objectives.
- II. Geographic content of the area.
- III. Definitions of terms used in this plan.
- IV. Control of hiring and solicitation of workers.
- V. Provisions governing the orderly transfer of workers.
- VI. Authority and responsibility of the Illinois Tri-City Area Labor-Management War Manpower Committee.
- VII. Posting pertinent provisions of this plan.
- VIII. Revocation of existing stabilization plans.
- IX. Effective date.

**I. Objectives.** The purpose of this employment stabilization plan is to assist the War Manpower Commission in bringing about, by measures equitable to labor and management, and necessary for the effective prosecution of the war:

- (a) The elimination of wasteful labor turnover in essential activities.
- (b) The reduction of unnecessary labor migration.
- (c) The direction of the flow of scarce labor where most needed in the war program.
- (d) The maximum utilization of manpower resources.
- (e) The establishment of procedures for the orderly transfer of essential workers.

**II. Geographic content of the area.** The Illinois Tri-City Area has been designated by the Regional Director of the War Manpower Commission to consist of the following counties in Illinois:

Henry, Mercer, and Rock Island.

The boundaries of the Illinois Tri-City Area may be changed upon recommendation of the Area Director and approval by the Regional Director of the War Manpower Commission.

**III. Definitions of terms used in this plan.** (a) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees, and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

(b) "State" includes Alaska, Hawaii, and the District of Columbia.

(c) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days' duration and employment which is supplemental to the employee's principal work shall be disregarded.

(d) "Critical occupation" means any occupation designated as a critical occupation by the Chairman of the War Manpower Commission. (See War Manpower List of Critical Occupations, 8 F.R. 11420)

(e) "Essential activity" means any activity included in the War Manpower Commission List of Essential Activities. (8 F.R. 11421)

(f) "Locally needed activity" means any activity approved by the Regional Manpower Director as a locally needed activity.

(g) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employments mean his principal employment.

(h) The "War Manpower Commission" is the commission established by Executive Order No. 9139, hereafter referred to as WMC.

(i) The "Illinois Tri-City Area Labor-Management War Manpower Committee," referred to herein as the Area Committee, is that body composed of representatives of Management and Labor who have been appointed by the Regional Director of the War Manpower Commission for Region VI to act as the Illinois Tri-City Area Labor-Management War Manpower Committee.

(j) The "United States Employment Service of the War Manpower Commission", herein referred to as the USES, is the Federal Employment Service which shall be deemed to include any employment office of that Service.

(k) The "Regional Director" is the Chief administrative officer of the War Manpower Commission for Region VI, which consists of the following states: Illinois, Indiana, and Wisconsin.

(l) The "Area Director" is the administrative officer of the War Manpower Commission responsible to the Regional Director for the administration of the policies and directives of the War Manpower Commission within the War Manpower Area as defined in section II of this plan.

**IV. Control of hiring and solicitation of workers.** All hiring and solicitation of workers in, or for work in, the Illinois Tri-City Area shall be conducted in accordance with this plan.

**V. Provisions governing the orderly transfer of workers—(a) General provisions.** 1. A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

(a) Such individual is hired for work in an essential or locally needed activity or for work to which he has been referred by the USES, and

(b) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the USES, or is hired with its consent, as provided herein.

2. *Issuance of statement of availability by employers.* An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability from his employer if:

(a) He has been discharged, or his employment has been otherwise terminated by his employer, or

(b) He has been laid off for an indefinite period, or for a period of seven or more days, or

(c) Continuance of his employment would involve undue personal hardship, or

(d) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or

(e) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

3. *Issuance of statements of availability by the USES.* (a) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in subsection 2 is found to exist in his case. If the employer fails or refuses to issue a statement, the USES, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual.

(b) A statement of availability shall be issued by the USES to any individual in the employ of an employer who the

WMC finds, after notice, hearing and final decision, has not complied with any WMC employment stabilization plan, regulation or policy, and for so long as such employer continues his non-compliance after such finding.

4. *Referral in case of under-utilization.* If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort, the USES may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized in the war effort.

5. *Workers who may be hired only upon referral by the USES.* (a) A new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or in accordance with arrangements with, the USES when:

(1) The new employee is to be hired for work in a critical occupation, or his statement of availability indicates that his last employment was in a critical occupation.

(2) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period.

(3) The new employee's last regular employment was in agriculture and he is to be hired for non-agricultural work: *Provided*, That no such individual shall be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration, and *Provided*, That such an individual may be hired for non-agricultural work for a period not to exceed six weeks without referral or presentation of a statement of availability.

(b) *Encouragement of local initiative and use of existing hiring channels.* To the maximum degree consistent with this employment stabilization plan, local initiative and cooperative efforts shall be encouraged and utilized and maximum use made of existing hiring channels such as private employers, labor organizations, professional organizations, schools, colleges, technical institutions and governmental agencies.

6. *Exclusions.* No provision of this employment stabilization plan shall be applicable to:

(a) The hiring of a new employee for agricultural employment.

(b) The hiring of a new employee for work of less than seven days' duration, or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purposes of this plan, unless the employee is customarily engaged in work of less than seven days' duration.

(c) The hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii.

(d) The hiring by a foreign, State, county or municipal government, or their political subdivisions, or their agencies, and instrumentalities, or to the hiring of any of their employees, unless such foreign, State, county, or municipal government, or political subdivision or agency or instrumentality has indicated

its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the plan.

(e) The hiring of a new employee for domestic service, or to the hiring of a new employee whose last regular employment was in domestic service.

(f) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period.

7. *Appeals.* Any worker or employer may appeal from any act or failure to act by the WMC under the employment stabilization plan in accordance with regulations and procedures of the WMC.

8. *Content of statements of availability.* A statement of availability issued to an individual pursuant to this plan shall contain only the individual's name, address, social security number, if any, the name and address of the issuing employer, or WMC officer and office, the date of issuance, a statement as to whether or not the individual's last employment was in a critical occupation, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the WMC.

9. *Solicitation of workers.* No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such an individual would be subject to restrictions under this employment stabilization plan, except in a manner consistent with such restrictions.

10. *Hiring.* The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

11. *Representation.* Nothing contained in the plan shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by, the labor organization of which he is a member or any other representative freely chosen by him, at any step in the operation of the plan.

12. *General referral policies.* No provision in this plan shall limit the authority of the USES to make referrals in accordance with approved policies and instructions of the WMC.

13. *Collective bargaining agreements.* Nothing in this plan shall be construed to prejudice existing rights of an employee or an employer under a collective bargaining agreement.

VI. *Authority and responsibility of the Illinois Tri-City Area Labor-Management War Manpower Committee.* The Area Labor-Management War Manpower Committee for the Illinois Tri-City Area is authorized to consider questions of policy, standards, and safeguards in connection with the administration of this employment stabilization plan, and to make recommendations to the Area Director.

VII. *Posting of pertinent provisions of this plan.* The pertinent provisions of this employment stabilization plan shall be posted on bulletin boards or any other

appropriate places in plants or places of business of employers covered by this plan, in accordance with instructions of the Area Director of the Illinois Tri-City Area of the WMC, Region VI.

**VIII. Revocation of existing stabilization plans.** The Illinois Tri-City Area Stabilization Plan, effective May 19, 1943, together with all instructions and procedures adopted which may be in conflict with the provisions of this plan, are hereby revoked, effective as of October 14, 1943.

**IX. Effective date.** This plan shall become effective at 12:01 a.m. on October 14, 1943.

Signed: September 28, 1943.

JOHN WISLEY,  
Acting Area Director,  
Illinois Tri-City Area.

Approved: October 5, 1943.

W. H. SPENCER,  
Regional Director, Region VI.

[F. R. Doc. 44-3195; Filed, March 6, 1944;  
10:42 a. m.]

**PEORIA-QUINCY-GALESBURG, ILL., WAR  
MANPOWER COMMISSION AREA**

**EMPLOYMENT STABILIZATION PLAN**

The following employment stabilization program for the Peoria-Quincy-Galesburg War Manpower Commission Area is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Programs," effective August 16, 1943 (8 F. R. 11338).

Sec.

- I. Objectives.
- II. Geographic content of the area.
- III. Definitions of terms used in this plan.
- IV. Control of hiring and solicitation of workers.
- V. Provisions governing the orderly transfer of workers.
- VI. Authority and responsibility of the Peoria-Quincy-Galesburg Area Labor-Management War Manpower Committee.
- VII. Posting pertinent provisions of this plan.
- VIII. Effective date.

**I. Objectives.** The purpose of this employment stabilization plan is to assist the War Manpower Commission in bringing about, by measures equitable to labor and management, and necessary for the effective prosecution of the war:

- (a) The elimination of wasteful labor turn-over in essential activities;
- (b) The reduction of unnecessary labor migration;
- (c) The direction of the flow of scarce labor where most needed in the war program;
- (d) The maximum utilization of manpower resources;
- (e) The establishment of procedures for the orderly transfer of essential workers.

**II. Geographic content of the area.** The Peoria-Quincy-Galesburg Area has been designated by the Regional Direc-

tor of the War Manpower Commission to consist of the following counties:

Adams, Brown, Cass, Fulton, Hancock, Henderson, Knox, Marshall, Mason, Morgan, McDonough, Peoria, Pike, Scott, Schuyler, Stark, Tazewell, Warren, and Woodford.

The boundaries of the Peoria-Quincy-Galesburg Area may be changed upon recommendation of the Area Director and approval by the Regional Director of the War Manpower Commission.

**III. Definitions of terms used in this plan.** (a) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees, and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations;

(b) "State" includes Alaska, Hawaii, and the District of Columbia;

(c) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days' duration and employment which is supplemental to the employee's principal work shall be disregarded;

(d) "Critical occupation" means any occupation designated as a critical occupation by the Chairman of the War Manpower Commission. (See War Manpower List of Critical Occupations, 8 F.R. 11420.)

(e) "Essential activity" means any activity included in the War Manpower Commission List of Essential Activities (8 F.R. 11421).

(f) "Locally needed activity" means any activity approved by the Regional Manpower Director as a locally needed activity. (See Appendix IV of this program.)

(g) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employments mean his principal employment;

(h) The "War Manpower Commission" is the commission established by Executive Order No. 9139, hereafter referred as WMC;

(i) The "Peoria - Quincy - Galesburg Area Labor-Management War Manpower Committee," referred to herein as the Area Committee, is that body composed of representatives of Management and Labor who have been appointed by the Regional Director of the War Manpower Commission for Region VI to act as the Peoria-Quincy-Galesburg Area Labor-Management War Manpower Committee;

(j) The "United States Employment Service of the War Manpower Commission," herein referred to as the USES, is the Federal Employment Service which

shall be deemed to include any employment office of that Service;

(k) The "Regional Director" is the Chief administrative officer of the War Manpower Commission for Region VI which consists of the following states: Illinois, Indiana, Wisconsin;

(l) The "State Director" is the chief Administrative officer of the War Manpower Commission for the State of Illinois.

(m) The "Area Director" is the administrative officer of the War Manpower Commission responsible to the State Director for the administration of the policies and directives of the War Manpower Commission within the War Manpower Area as defined in section II of this plan.

**IV. Control of hiring and solicitation of workers.** All hiring and solicitation of workers in, or for work in the Peoria-Quincy-Galesburg Area shall be conducted in accordance with this plan.

**V. Provisions governing the orderly transfer of workers—(a) General provisions.** 1. A new employee, who during the preceding 60 day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

(a) Such individual is hired for work in an essential or locally needed activity or for work to which he has been referred by the USES, and

(b) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the USES, or is hired with its consent, as provided herein.

**2. Issuance of statements of availability by employers.** An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability from his employer if:

(a) He has been discharged, or his employment has been otherwise terminated by his employer, or

(b) He has been laid off for an indefinite period, or for a period of seven or more days, or

(c) Continuance of his employment would involve undue personal hardship, or

(d) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or

(e) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

**3. Issuance of statements of availability by the USES.** (a) A statement of

availability shall be issued promptly to an individual when any of the circumstances set forth in subsection 2 is found to exist in his case. If the employer fails or refuses to issue a statement, the USES, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual.

(b) A statement of availability shall be issued by the USES to any individual in the employ of an employer who the WMC finds, after notice, hearing, and final decision, has not complied with any WMC employment stabilization plan, regulation or policy, and for so long as such employer continues his non-compliance after such finding.

4. *Referral in case of under-utilization.* If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort, the USES may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized in the war effort.

5. *Workers who may be hired only upon referral by the USES.* (a) A new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or in accordance with arrangements with, the USES when:

(1) The new employee is to be hired for work in a critical occupation, or his statement of availability indicates that his last employment was in a critical occupation;

(2) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period;

(3) The new employee's last regular employment was in agriculture and he is to be hired for non-agricultural work: *Provided*, That no such individual shall be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration: *And provided*, That such an individual may be hired for non-agricultural work for a period not to exceed six weeks without referral or presentation of a statement of availability.

(b) *Encouragement of local initiative and use of existing hiring channels.* To the maximum degree consistent with this employment stabilization plan, local initiative and cooperative efforts shall be encouraged and utilized and maximum use made of existing hiring channels such as private employers, labor organizations, professional organizations, schools, colleges, technical institutions and government agencies.

6. *Exclusions.* No provision of this employment stabilization plan shall be applicable to:

(a) The hiring of a new employee for agricultural employment;

(b) The hiring of a new employee for work of less than seven days' duration, or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purposes of this plan, unless the employee is customarily engaged in work of less than seven days duration;

(c) The hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii;

(d) The hiring by a foreign, State, County or municipal government, or their political subdivisions, or their agencies, and instrumentalities, or to the hiring of any of their employees, unless such foreign, State, County, or municipal government, or political subdivision or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the plan;

(e) The hiring of a new employee for domestic service, or to the hiring of a new employee whose last regular employment was in domestic service;

(f) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period.

7. *Appeals.* Any worker or employer may appeal from any act or failure to act by the WMC under the employment stabilization plan, in accordance with regulations and procedures of the WMC.

8. *Content of statements of availability.* A statement of availability issued to an individual pursuant to this plan shall contain only the individual's name, address, social security number, if any, the name and address of the issuing employer, or WMC officer and office, the date of issuance, a statement as to whether or not the individual's last employment was a critical occupation, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the WMC.

9. *Solicitation of workers.* No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such individual would be subject to restrictions under this employment stabilization plan, except in a manner consistent with such restrictions.

10. *Hiring.* The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin or except as required by law, citizenship.

11. *Representation.* Nothing contained in the plan shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by, the labor organization of which he is a member or any other representative freely chosen by him, at any step in the operation of the plan.

12. *General referral policies.* No provision in this plan shall limit the authority of the USES to make referrals in accordance with approved policies and instructions of the WMC.

13. *Collective bargaining agreements.* Nothing in this plan shall be construed to prejudice existing rights of an employee or employer under a collective bargaining agreement.

VI. *Authority and responsibility of the Peoria-Quincy-Galesburg Area Labor-Management War Manpower Committee.* The Area Labor-Management War Man-

power Committee for the Peoria-Quincy-Galesburg Area is authorized to consider questions of policy, standards, and safeguards in connection with the administration of this employment stabilization plan and to make recommendations to the Area Director.

VII. *Posting pertinent provisions of this plan.* The pertinent provisions of this employment stabilization plan shall be posted on bulletin boards or any other appropriate places in plants or places of business of employers covered by this plan, in accordance with instructions of the Area Director of the Peoria-Quincy-Galesburg Area of the WMC.

VIII. *Effective date.* This plan shall become effective at 12:01 a. m. on October 15, 1943.

Signed: October 5, 1943.

JOSEPH H. BRAUNAGEL,  
Area Director,  
Peoria-Quincy-Galesburg Area.

Approved: October 12, 1943.

W. H. SPENCER,  
Regional Director, Region VI.

#### APPENDIX IV—LIST OF LOCALLY NEEDED ACTIVITIES

Peoria-Quincy-Galesburg: Retail solid fuels distribution.  
Galesburg: Wholesale grocers.

[F. R. Doc. 44-3194: Filed, March 6, 1944;  
10:42 a. m.]

#### DANVILLE, ILL., WAR MANPOWER COMMISSION AREA

##### EMPLOYMENT STABILIZATION PLAN

The following employment stabilization program for the Danville Illinois War Manpower Commission Area is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Programs," effective August 16, 1943 (8 F.R. 11338).

Sec.

- I. Objectives.
- II. Geographic content of the area.
- III. Definitions of terms used in this plan.
- IV. Control of hiring and solicitation of workers.
- V. Provisions governing the orderly transfer of workers.
- VI. Authority and responsibility of the Danville Area Labor-Management War Manpower Committee.
- VII. Posting pertinent provisions of this plan.
- VIII. Revocation of existing stabilization plans.
- IX. Effective date.

I. *Objectives.* The purpose of this employment stabilization plan is to assist the War Manpower Commission in bringing about, by measures equitable to labor and management, and necessary for the effective prosecution of the war:

- (a) The elimination of wasteful labor turnover in essential activities;
- (b) The reduction of unnecessary labor migration;
- (c) The direction of the flow of scarce labor where most needed in the war program;
- (d) The maximum utilization of manpower resources;

(e) The establishment of procedures for the orderly transfer of essential workers.

**II. Geographic content of the area.** The Danville Area has been designated by the Regional Director of the War Manpower Commission to consist of the following counties in the State of Illinois; Vermilion, Edgar, Clark, and Crawford.

The boundaries of the Danville Area may be changed upon recommendation of the Area Director and approval by the Regional Director of the War Manpower Commission.

**III. Definitions of terms used in this plan.** (a) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees, and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

(b) "State" includes Alaska, Hawaii, and the District of Columbia.

(c) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days' duration and employment which is supplemental to the employee's principal work shall be disregarded.

(d) "Critical occupation" means any occupation designated as a critical occupation by the Chairman of the War Manpower Commission. (See War Manpower List of Critical Occupations, 8 F.R. 11420.)

(e) "Essential activity" means any activity included in the War Manpower Commission List of Essential Activities. (8 F.R. 11421)

(f) "Locally needed activity" means any activity approved by the Regional Manpower Director as a locally needed activity.

(g) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employments mean his principal employment.

(h) The "War Manpower Commission" is the commission established by Executive Order No. 9139, hereafter referred to as WMC.

(i) The "Danville Area Labor-Management War Manpower Committee," referred to herein as the Area Committee, is that body composed of representatives of Management and Labor who have been appointed by the Regional Director of the War Manpower Commission for Region VI to act as the Danville Area Labor-Management War Manpower Committee.

(j) The "United States Employment Service of the War Manpower Commission," herein referred to as the USES, is the Federal Employment Service which shall be deemed to include any employment office of that Service.

(k) The "Regional Director" is the chief administrative officer of the War Manpower Commission for Region VI, which consists of the following States: Illinois, Indiana, Wisconsin.

(l) The "Area Director" is the administrative officer of the War Manpower Commission responsible to the Regional Director for the administration of the policies and directives of the War Manpower Commission within the War Manpower Area as defined in section II of this plan.

**IV. Control of hiring and solicitation of workers.** All hiring and solicitation of workers in, or for work in, the Danville Area shall be conducted in accordance with this plan.

**V. Provisions governing the orderly transfer of workers—(a) General provisions.** 1. A new employee, who during the preceding 60 day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be defined to aid in the effective prosecution of the war only if:

(a) Such individual is hired for work in an essential or locally needed activity or for work to which he has been referred by the USES, and

(b) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the USES, or is hired with its consent, as provided herein.

**2. Issuance of statement of availability by employers.** An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability from his employer if:

(a) He has been discharged, or his employment has been otherwise terminated by his employer, or

(b) He has been laid off for an indefinite period, or for a period of seven or more days, or

(c) Continuance of his employment would involve undue personal hardship, or

(d) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or

(e) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof).

**3. Issuance of statements of availability by the USES.** (a) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in subsection 2 is found to exist in his case. If the employer fails or refuses to issue a statement, the USES, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual.

(b) A statement of availability shall be issued by the USES to any individual

in the employ of an employer who the WMC finds, after notice, hearing and final decision, has not complied with any WMC employment stabilization plan, regulation or policy, and for so long as such employer continues his non-compliance after such finding.

**4. Referral in case of under-utilization.** If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort, the USES may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized in the war effort.

**5. Workers who may be hired only upon referral by the USES.** (a) A new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or in accordance with arrangements with, the USES when:

(1) The new employee is to be hired for work in a critical occupation, or his statement of availability indicates that his last employment was in a critical occupation.

(2) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period.

(3) The new employee's last regular employment was in agriculture and he is to be hired for non-agricultural work: *Provided*, That no such individual shall be referred to non-agricultural work except after consultation with designated representative of the War Food Administration: *And provided*, That such an individual may be hired for non-agricultural work for a period not to exceed six weeks, without referral or presentation of a statement of availability.

**b. Encouragement of local initiative and use of existing hiring channels.** To the maximum degree consistent with this employment stabilization plan, local initiative and cooperative efforts shall be encouraged and utilized and maximum use made of existing hiring channels such as private employers, labor organizations, professional organizations, schools, colleges, technical institutions and government agencies.

**6. Exclusions.** No provision of this employment stabilization plan shall be applicable to:

(a) The hiring of a new employee for agricultural employment.

(b) The hiring of a new employee for work of less than seven days' duration, or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purpose of this plan, unless the employee is customarily engaged in work of less than seven days' duration.

(c) The hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii.

(d) The hiring by a foreign, State, county, or municipal government, or their political subdivisions, or their agencies, and instrumentalities, or to the hiring of any of their employees, unless such foreign, State, county, or municipal

government, or political subdivision or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the plan.

(e) The hiring of a new employee for domestic service, or to the hiring of a new employee whose last regular employment was in domestic service.

(f) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period.

**7. Appeals.** Any worker or employer may appeal from any act or failure to act by the WMC under the employment stabilization plan, in accordance with regulations and procedures of the WMC.

**8. Content of statement of availability.** A statement of availability issued to an individual pursuant to this plan shall contain only the individual's name, address, social security number, if any, the name and address, of the issuing employer, or WMC officer and office, the date of issuance, a statement as to whether or not the individual's last employment was in a critical occupation, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the WMC.

**9. Solicitation of workers.** No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such an individual would be subject to restrictions under this employment stabilization plan, except in a manner consistent with such restrictions.

**10. Hiring.** The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

**11. Representation.** Nothing contained in the plan shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by, the labor organization of which he is a member or any other representative freely chosen by him, at any step in the operation of the plan.

**12. General referral policies.** No provision in this plan shall limit the authority of the USES to make referrals in accordance with approved policies and instructions of the WMC.

**13. Collective bargaining agreements.** Nothing in this plan shall be construed to prejudice existing rights of an employee or an employer under a collective bargaining agreement.

**VI. Authority and responsibility of the Danville Area Labor-Management War Manpower Committee.** The Area Labor-Management War Manpower Committee for the Danville Area is authorized to consider questions of policy, standards, and safeguards in connection with the administration of this employment stabilization plan, and to make recommendations to the Area Director.

**VII. Posting pertinent provisions of this plan.** The pertinent provisions of this employment stabilization plan shall be posted on bulletin boards or any other appropriate places in plants or places of

business of employers covered by this plan, in accordance with instructions of the Area Director of the Danville Area of the WMC, Region VI.

**VIII. Revocation of existing stabilization plans.** The Danville Area stabilization plan, effective May 3, 1943, together with all instructions and procedures adopted which may be in conflict with the provisions of this plan, are hereby revoked, effective as of October 14, 1943.

**IX. Effective date.** This plan shall become effective at 12:01 a. m., on October 14, 1943.

Signed: September 13, 1943.

FRANK P. ABBOTT,  
Area Director,  
Danville, Illinois, Area.

Approved: October 5, 1943.

W. H. SPENCER,  
Regional Director, Region VI.

[F. R. Doc. 44-3193; Filed, March 6, 1944;  
10:42 a. m.]

#### EVANSVILLE, IND.-KY., WAR MANPOWER COMMISSION AREA

##### EMPLOYMENT STABILIZATION PLAN

The following employment stabilization program for the Evansville, Indiana War Manpower Commission Area is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Programs," effective August 16, 1943 (8 F.R. 11338).

##### Sec.

- I. Objectives.
- II. Geographic content of the area.
- III. Definitions of terms used in this plan.
- IV. Control of hiring and solicitation of workers.
- V. Provisions governing the orderly transfer of workers.
- VI. Authority and responsibility of the Evansville Area Labor-Management War Manpower Committee.
- VII. Posting pertinent provisions of this plan.
- VIII. Revocation of existing stabilization plans.
- IX. Effective date.

**I. Objectives.** The purpose of this employment stabilization plan is to assist the War Manpower Commission in bringing about, by measures equitable to labor and management, and necessary for the effective prosecution of the war:

(a) The elimination of wasteful labor turnover in essential activities;

(b) The reduction of unnecessary labor migration;

(c) The direction of the flow of scarce labor where most needed in the war program;

(d) The maximum utilization of manpower resources;

(e) The establishment of procedures for the orderly transfer of essential workers.

**II. Geographic content of the area.** The Evansville Area has been designated by the Regional Director of the War Manpower Commission to consist of the following counties:

Vanderburgh (Ind.), Posey (Ind.), Gibson (Ind.), Warrick (Ind.), Dubois (Ind.), Spencer (Ind.), Perry (Ind.), and Henderson (Ky.).

The boundaries of the Evansville Area may be changed upon recommendation of the Area Director and approval by the Regional Director of the War Manpower Commission.

**III. Definitions of terms used in this plan.** (a) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees, and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations;

(b) "State" includes Alaska, Hawaii, and the District of Columbia;

(c) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days' duration and employment which is supplemental to the employee's principal work shall be disregarded;

(d) "Critical occupation" means any occupation designated as a critical occupation by the Chairman of the War Manpower Commission (See War Manpower List of Critical Occupations, 8 F.R. 11420);

(e) "Essential activity" means any activity included in the War Manpower Commission List of Essential Activities (8 F.R. 11421);

(f) "Locally needed activity" means any activity approved by the Regional Manpower Director as a locally needed activity;

(g) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employments mean his principal employment;

(h) "The War Manpower Commission" is the commission established by Executive Order No. 9139, hereafter referred to as WMC;

(i) The "Evansville Area Labor-Management War Manpower," referred to herein as the Area Committee, is that body composed of representatives of Management and Labor who have been appointed by the Regional Director of the War Manpower Commission for Region VI to act as the Evansville Area Labor-Management War Manpower Committee;

(j) The "United States Employment Service of the War Manpower Commission," herein referred to as the USES, is the Federal Employment Service which shall be deemed to include any employment office of that Service;

(k) The "Regional Director" is the chief administrative officer of the War Manpower Commission for Region VI, which consists of the following States: Illinois, Indiana, Wisconsin;

(l) The "Area Director" is the administrative officer of the War Manpower Commission responsible to the Regional Director for the administration of the policies and directives of the War Manpower Commission within the War Man-

power Area as defined in section II of this plan;

(m) "An additional controlled occupation" is an occupation in which the local demand for workers exceeds the local supply and has been so designated by the Area Director and approved by the Regional Director of the WMC. (See Appendix V of this program.)

**IV. Control of hiring and solicitation of workers.** All hiring and solicitation of workers in, or for work in, the Evansville Area shall be conducted in accordance with this plan.

**V. Provisions governing the orderly transfer of workers—(a) General provisions.** 1. A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

(a) Such individual is hired for work in an essential or locally needed activity or for work to which he has been referred by the USES, and

(b) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the USES, or is hired with its consent, as provided herein.

**2. Issuance of statements of availability by employers.** An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability from his employer if:

(a) He has been discharged, or his employment has been otherwise terminated by his employer, or

(b) He has been laid off for an indefinite period, or for a period of seven or more days, or

(c) Continuance of his employment would involve undue personal hardship, or

(d) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or

(e) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

**3. Issuance of statements of availability by the USES.** (a) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in subsection 2 is found to exist in his case. If the employer fails or refuses to issue a statement, then USES, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual;

(b) A statement of availability shall be issued by the USES to any individual in the employ of an employer who the WMC finds, after notice, hearing and final decision, has not complied with any WMC employment stabilization plan,

regulation or policy, and for so long as such employer continues his non-compliance after such finding.

**4. Referral in case of under-utilization.** If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort, the USES may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized in the war effort.

**5. Workers who may be hired only upon referral by the USES.** (a) A new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or in accordance with arrangements with, the USES when:

(1) The new employee is to be hired for work in a critical occupation, or his statement of availability indicated that his last employment was in a critical occupation;

(2) The new employee is to be hired for work in an occupation listed in Appendix No. V of this program, "Additional Controlled Occupations," or his statement of availability indicates that his last employment was in such an occupation;

(3) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period;

(4) The new employee's last regular employment was in agriculture and he is to be hired for non-agricultural work, *Provided*, That no such individual shall be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration, *And provided*, That such an individual may be hired for non-agricultural work for a period not to exceed six weeks without referral or presentation of a statement of availability.

**(b) Encouragement of local initiative and use of existing hiring channels.** To the maximum degree consistent with this employment stabilization plan, local initiative and cooperative efforts shall be encouraged and utilized and maximum use made of existing hiring channels such as private employers, labor organizations, professional organizations, schools, colleges, technical institutions and government agencies.

**6. Exclusions.** No provision of this employment stabilization plan shall be applicable to:

(a) The hiring of a new employee for agricultural employment;

(b) The hiring of a new employee for work of less than seven days' duration, or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purposes of this plan, unless the employee is customarily engaged in work of less than seven days' duration;

(c) The hiring of an employee in any territory or possession of the United States, except Alaska, and Hawaii;

(d) The hiring by a foreign, State, county, or municipal government, or their political subdivisions, or their agencies, and instrumentalities, or to the hiring of any of their employees, unless

such foreign, State, county, or municipal government, or political subdivision or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the plan;

(e) The hiring of a new employee for domestic service, or to the hiring of a new employee whose last regular employment was in domestic service;

(f) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period.

**7. Appeals.** Any worker or employer may appeal from any act or failure to act by the WMC under the employment stabilization plan, in accordance with regulations and procedures of the WMC.

**8. Content of statements of availability.** A statement of availability issued to an individual pursuant to this plan shall contain only the individual's name, address, social security number, if any, the name and address of the issuing employer, or WMC officer and office, the date of issuance, a statement as to whether or not the individual's last employment was in a critical occupation, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the WMC;

**9. Solicitation of workers.** No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such an individual would be subject to restrictions under this employment stabilization plan, except in a manner consistent with such restrictions;

**10. Hiring.** The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

**11. Representation.** Nothing contained in the plan shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by the labor organization of which he is a member or any other representatives freely chosen by him, at any step in the operation of the plan;

**12. General referral policies.** No provision in this plan shall limit the authority of the USES to make referrals in accordance with the approved policies and instructions of the WMC;

**13. Collective bargaining agreements.** Nothing in this plan shall be construed to prejudice existing rights of an employee or any employer under a collective bargaining agreement.

**(b) Miscellaneous provisions—1. Mail applications.** Employers who receive mail applications from workers outside the Evansville Area shall refer such applications to their local USES office.

**2. Leave of absence with retention of seniority and other accrued rights.** When an essential worker is not utilizing his highest skill or is not employed full time at his highest skill and the war program can best be served by the worker's transfer for a limited period to another employer in the Evansville Area where his highest skill can be utilized full time, the

current essential employer shall grant an essential worker a leave of absence with full retention of seniority and other accrued rights until such time as the current employer is able to provide work which will utilize the worker's highest skill. Such leave of absence shall be granted only with the provision that the worker will return to his original employer on one week's notice when the original employer is able to provide full-time work using the worker's highest skill.

**3. Re-transfer.** Any employer shall, upon request of the USES, release from employment any worker hired contrary to the provisions of this plan or through misrepresentation. Re-transfer of such a worker shall occur in accordance with the best interest of the war effort and in such manner as to do justice to the worker and the employer. Appeals from such decisions may be had in the same manner as in the case of original transfers.

**VI. Authority and responsibility of the Evansville Area Labor-Management War Manpower Committee.** The Area Labor-Management War Manpower Committee for the Evansville Area is authorized to consider questions of policy, standards, and safeguards in connection with the administration of this employment stabilization plan, and to make recommendations to the Area Director.

**VII. Posting pertinent provisions of this plan.** The pertinent provisions of this employment stabilization plan shall be posted on bulletin boards or any other appropriate places in plants or places of business of employers covered by this plan, in accordance with instructions of the Area Director of the Evansville Area of the WMC, Region VI.

**VIII. Revocation of existing stabilization plans.** The Evansville Area stabilization plan, effective December 12, 1942, together with all instructions and procedures adopted which may be in conflict with the provisions of this plan, are hereby revoked, effective as of 12:01 a. m. October 14, 1943.

**IX. Effective date.** This plan shall become effective 12:01 a. m. on October 14, 1943.

Signed: September 14, 1943.

WALTER J. FOLEY,  
Area Director, Evansville Area.

Approved: October 5, 1943.

W. H. SPENCER,  
Regional Director, Region VI.

**APPENDIX V—LIST OF ADDITIONAL CONTROLLED OCCUPATIONS**

1. Welder, Arc	4-85.020
2. Riveter, Aircraft	6-95.080
[F. R. Doc. 44-3192; Filed, March 6, 1944; 10:41 a. m.]	

**NORTHEASTERN ILLINOIS WAR MANPOWER COMMISSION AREA**

**EMPLOYMENT STABILIZATION PLAN**

The following employment stabilization program for the Northeastern Illinois War Manpower Commission Area is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regu-

lation No. 7, "Governing Employment Stabilization Programs," effective August 16, 1943 (8 F. R. 11338).

Sec.

- I. Objectives.
- II. Geographic content of the area.
- III. Definitions of terms used in this plan.
- IV. Control of hiring and solicitation of workers.
- V. Provisions governing the orderly transfer of workers.
- VI. Authority and responsibility of the Northeastern Illinois Area Labor-Management War Manpower Committee.
- VII. Posting pertinent provisions of this plan.
- VIII. Revocation of existing stabilization plans.
- IX. Effective date.

**I. Objectives.** The purpose of this employment stabilization plan is to assist the War Manpower Commission in bringing about, by measures equitable to labor and management, and necessary for the effective prosecution of the war:

- (a) The elimination of wasteful labor turnover in essential activities;
- (b) The reduction of unnecessary labor migration;
- (c) The direction of the flow of scarce labor where most needed in the War program;
- (d) The maximum utilization of manpower resources;
- (e) The establishment of procedures for the orderly transfer of essential workers.

**II. Geographic content of the area.** The Northeastern Illinois Area has been designated by the Regional Director of the War Manpower Commission to consist of the following counties:

Cook, Du Page, Kendall, Grundy, Will, Kane, and De Kalb.

The Northeastern Illinois Area is divided into three Administrative Divisions, each with a full-functioning Labor-Management War Manpower Committee as follows:

(1) **Metropolitan Chicago Division.** Du Page County and Cook County except for that portion within the Chicago Heights-Harvey Division as described below and the city of Elgin;

(2) **Chicago Heights-Harvey Division.** That portion of Cook County from 123d Street and Chicago City limits (Ashland Avenue) west on 123d Street to east line of Lemont Township, excluding towns of Alsip, Palos Park and Palos Heights; south on the Lemont Township line to the Will County line; south and east on Will County line to the Indiana State line; north on the Indiana State line to the intersection with the Grand Trunk R. R.; north and west on the Grand Trunk to the intersection with alternate U. S. Highway 30; north on alternate U. S. Highway 30 to the Pa. R. R., excluding the city of Lansing; north and west on the Pa. R. R. to the intersection with the I. C. R. R. to the intersection with the Calumet River; north and west on the Chicago city limits to the point of beginning at 123d Street.

(3) **Fox Valley-Joliet Division.** Kendall, Grundy, Will, Kane, (including the entire city of Elgin) and De Kalb Counties. The boundaries of the Northeast-

ern Illinois Area or of the respective divisions within the Area, may be changed upon recommendation of the Area Director and approval by the Regional Director of the War Manpower Commission.

**III. Definitions of terms used in this plan.** (a) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees, and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations or commercial operations.

(b) "State" includes Alaska, Hawaii, and the District of Columbia.

(c) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days' duration and employment which is supplemental to the employee's principal work shall be disregarded.

(d) "Critical occupation" means any occupation designated as a critical occupation by the Chairman of the War Manpower Commission. (See War Manpower List of Critical Occupations, 8 F.R. 11420.)

(e) "Essential activity" means any activity included in the War Manpower Commission List of Essential Activities. (8 F.R. 11421.)

(f) "Locally needed activity" means any activity approved by the Regional Manpower Director as a locally needed activity.

(g) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employments mean his principal employment.

(h) The "War Manpower Commission" is the commission established by Executive Order No. 9139, hereafter referred to as WMC.

(i) The "Northeastern Illinois Area Labor-Management Committees" referred to herein as the Area Committee, are those three bodies composed of representatives of Management and Labor who have been appointed by the Regional Director of the War Manpower Commission for Region VI to act as the Northeastern Illinois Area Labor-Management War Manpower Committee for their respective divisions.

(j) The "United States Employment Service of the War Manpower Commission," herein referred to as the USES, is the Federal Employment Service which shall be deemed to include any employment office of that Service.

(k) The "Regional Director" is the chief administrative officer of the War Manpower Commission for Region VI, which consists of the following States: Illinois, Indiana, Wisconsin.

(l) The "Area Director" is the administrative officer of the War Manpower Commission responsible to the Regional Director for the administration of the policies and directives of the War Man-

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power Commission within the War Manpower Area as defined in section II of this plan.

**IV. Control of hiring and solicitation of workers.** All hiring and solicitation of workers in, or for work in, the Northeastern Illinois Area shall be conducted in accordance with this plan.

**V. Provisions governing the orderly transfer of workers—(a) General provisions.** 1. A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

(a) Such individual is hired for work in an essential or locally needed activity or for work to which he has been referred by the USES, and

(b) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the USES, or is hired with its consent, as provided herein.

**2. Issuance of statements of availability by employers.** An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability from his employer if:

(a) He has been discharged, or his employment has been otherwise terminated by his employer, or

(b) He has been laid off for an indefinite period, or for a period of seven or more days, or

(c) Continuance of his employment would involve undue personal hardship, or

(d) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or

(e) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

**3. Issuance of statements of availability by the USES.** (a) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in subsection 2 is found to exist in his case. If the employer fails or refuses to issue a statement, the USES, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual.

(b) A statement of availability shall be issued by the USES to any individual in the employ of an employer who the War Manpower Commission finds, after notice, hearing and final decision, has not complied with any War Manpower Commission employment stabilization plan, regulation or policy, and for so long as such employer continues his non-compliance after such finding.

**4. Referral in case of under-utilization.** If an individual is employed at less than full time or at a job which does not

utilize his highest recognized skill for which there is a need in the war effort, the USES may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized in the war effort.

**5. Workers who may be hired only upon referral by the USES.** (a) A new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or in accordance with arrangements with, the USES when:

(1) The new employee is to be hired for work in a critical occupation, or his statement of availability indicates that his last employment was in a critical occupation.

(2) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period.

(3) The new employee's last regular employment was in agriculture and he is to be hired for non-agriculture work: *Provided*, That no such individual shall be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration: *And provided*, That such an individual may be hired for non-agricultural work for a period not to exceed six weeks without referral or presentation of a statement of availability.

**(b) Encouragement of local initiative and use of existing hiring channels.** To the maximum degree consistent with this employment stabilization plan, local initiative and cooperative efforts shall be encouraged and utilized and maximum use made of existing hiring channels such as private employers, labor organizations, professional organizations, schools, colleges, technical institutions and government agencies.

**6. Exclusions.** No provision of this employment stabilization plan shall be applicable to:

(a) The hiring of a new employee for agricultural employment.

(b) The hiring of a new employee for work of less than seven days' duration, or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purposes of this plan, unless the employee is customarily engaged in work of less than seven days' duration.

(c) The hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii.

(d) The hiring by a foreign, State, county, or municipal government, or their political subdivisions, or their agencies, and instrumentalities, or to the hiring of any of their employees, unless such foreign, State, county, or municipal government, or political subdivision or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the plan.

(e) The hiring of a new employee for domestic service, or to the hiring of a new employee whose last regular employment was in domestic service.

(f) The hiring of a school teacher for vacation employment or the rehiring of

a school teacher for teaching at the termination of the vacation period.

**7. Appeals.** Any worker or employer may appeal from any act or failure to act by the WMC under the employment stabilization plan, in accordance with regulations and procedures of the WMC.

**8. Content of statements of availability.** A statement of availability issued to an individual pursuant to this plan shall contain only the individual's name, address, social security number, if any, the name and address of the issuing employer, or WMC officer and office, the date of issuance, a statement as to whether or not the individual's last employment was in a critical occupation, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the WMC.

**9. Solicitation of workers.** No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such an individual would be subject to restrictions under this employment stabilization plan, except in a manner consistent with such restrictions.

**10. Hiring.** The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

**11. Representation.** Nothing contained in the plan shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by, the labor organization of which he is a member or any other representative freely chosen by him, at any step in the operation of the plan.

**12. General referral policies.** No provision in this plan shall limit the authority of the USES to make referrals in accordance with approved policies and instructions of the WMC.

**13. Collective bargaining agreements.** Nothing in this plan shall be construed to prejudice existing rights of an employee or an employer under a collective bargaining agreement.

**VI. Authority and responsibility of the Northeastern Illinois Area Labor-Management War Manpower Committees.** The area Labor-Management War Manpower Committees for the Northeastern Illinois Area are authorized to consider questions of policy, standards, and safeguards in connection with the administration of this employment stabilization plan, and to make recommendations to the Area Manpower Director.

**VII. Posting pertinent provisions of this plan.** The pertinent provisions of this employment stabilization plan shall be posted on bulletin boards or any other appropriate places in plants or places of business of employers covered by this plan, in accordance with instructions of the Area Director of the Northeastern Illinois Area of the War Manpower Commission, Region VI.

**VIII. Revocation of existing stabilization plans.** The Fox-Valley-Joliet Stabilization Plan, The Chicago Heights-Harvey Division Employment Stabilization Plan, The Temporary Regulation

Facilitating Administration War Manpower Commission Regulation 4 effective July 16, 1943, The Calumet (Illinois) Area Stabilization Plan, together with all instructions and procedures adopted which may be in conflict with the provisions of this plan, are hereby revoked, effective as of October 1, 1943.

**IX. Effective date.** This plan shall become effective at 12:01 a. m. on October 1, 1943.

Signed: September 28, 1943.

LESTER BROWN,  
Area Director,  
Northeastern Illinois Area.

Approved: October 1, 1943.

W. H. SPENCER,  
Regional Director, Region VI.

[F. R. Doc. 44-3191; Filed, March 6, 1944;  
10:41 a. m.]

#### COLUMBUS-BLOOMINGTON-VINCENNES, IND. WAR MANPOWER COMMISSION AREA

##### EMPLOYMENT STABILIZATION PLAN

The following employment stabilization program for the Columbus-Bloomington-Vincennes War Manpower Commission Area is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Program," effective August 16, 1943 (8 F.R. 11338).

Sec.

- I. Objectives.
- II. Geographic content of the area.
- III. Definitions of terms used in this plan.
- IV. Control of hiring and solicitation of workers.
- V. Provisions governing the orderly transfer of workers.
- VI. Authority and responsibility of the Columbus - Bloomington - Vincennes Area Labor-Management War Manpower Committee.
- VII. Posting pertinent provisions of this plan.
- VIII. Revocation of existing stabilization plans.
- IX. Effective date.

**I. Objectives.** The purpose of this employment stabilization plan is to assist the War Manpower Commission in bringing about, by measures equitable to labor and management, and necessary for the effective prosecution of the war;

- (a) The elimination of wasteful labor turnover in essential activities;
- (b) The reduction of unnecessary labor migration;
- (c) The direction of the flow of scarce labor where most needed in the war program;
- (d) The maximum utilization of manpower resources;
- (e) The establishment of procedures for the orderly transfer of essential workers.

**II. Geographic content of the area.** The Columbus-Bloomington-Vincennes Area has been designated by the Regional Director of the War Manpower Commission to consist of the following counties:

Knox, Greene, Orange, Bartholomew, Ripley, Davies, Owen, Jackson, Decatur, Ohio, Pike, Monroe, Brown, Scott, Switzerland, Martin, Lawrence, Jennings, Jefferson, and Dearborn.

The boundaries of the Columbus-Bloomington-Vincennes Area may be changed upon recommendation of the Area Director and approval by the Regional Director of the War Manpower Commission.

**III. Definitions of terms used in this plan.** (a) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees, and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

(b) "State" includes Alaska, Hawaii, and the District of Columbia.

(c) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days' duration and employment which is supplemental to the employee's principal work shall be disregarded.

(d) "Critical occupation" means any occupation designated as a critical occupation by the Chairman of the War Manpower Commission. (See War Manpower List of Critical Occupations, 8 F.R. 11420.)

(e) "Essential activity" means any activity included in the War Manpower Commission List of Essential Activities. (8 F.R. 11421.)

(f) "Locally needed activity" means any activity approved by the Regional Manpower Director as a locally needed activity.

(g) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employments mean his principal employment.

(h) The "War Manpower Commission" is the commission established by Executive Order No. 9139, hereafter referred to as WMC.

(i) The "Columbus-Bloomington-Vincennes Area Labor-Management War Manpower Committee," referred to herein as the Area Committee, is that body composed of representatives of Management and Labor who have been appointed by the Regional Director of the War Manpower Commission for Region VI to act as the Columbus-Bloomington-Vincennes Area Labor-Management War Manpower Committee.

(j) The "United States Employment Service of the War Manpower Commission," herein referred to as the USES, is the Federal Employment Service which shall be deemed to include any employment office of that Service.

(k) The "Regional Director" is the chief administrative officer of the War Manpower Commission for Region VI, which consists of the following States: Illinois, Indiana, Wisconsin.

(l) The "Area Director" is the administrative officer of the War Manpower

Commission responsible to the Regional Director for the administration of the policies and directives of the War Manpower Commission within the War Manpower Area as defined in section II of this plan.

**IV. Control of hiring and solicitation of workers in, or for work in, the Columbus-Bloomington-Vincennes Area** shall be conducted in accordance with this plan.

**V. Provisions governing the orderly transfer of workers—(a) General provisions.** 1. A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

(a) Such individual is hired for work in an essential or locally needed activity or for work to which he has been referred by the USES, and

(b) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the USES, or is hired with its consent, as provided herein.

**2. Issuance of statements of availability by employers.** An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability from his employer if:

(a) He has been discharged, or his employment has been otherwise terminated by his employer, or

(b) He has been laid off for an indefinite period, or for a period of seven or more days, or

(c) Continuance of his employment would involve undue personal hardship, or

(d) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulations, or

(e) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

**3. Issuance of statements of availability by the USES.** (a) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in subsection 2 is found to exist in his case. If the employer fails or refuses to issue a statement, the USES, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual.

(b) A statement of availability shall be issued by the USES to any individual in the employ of an employer who the WMC finds, after notice, hearing and final decision, has not complied with any WMC employment stabilization plan, regulation or policy, and for so long as such employer continues his non-compliance after such finding.

**4. Referral in case of under-utilization.** If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort, the USES may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized in the war effort.

**5. Workers who may be hired only upon referral by the USES.** (a) A new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or in accordance with arrangements with, the USES when:

(1) The new employee is to be hired for work in a critical occupation, or his statement of availability indicates that his last employment was in a critical occupation;

(2) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period;

(3) The new employee's last regular employment was in agriculture and he is to be hired for non-agricultural work: *Provided*, That no such individual shall be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration: *And provided*, That such an individual may be hired for non-agricultural work for a period not to exceed six weeks without referral or presentation of a statement of availability.

(b) *Encouragement of local initiative and use of existing hiring channels.* To the maximum degree consistent with this employment stabilization plan, local initiative and cooperative efforts shall be encouraged and utilized and maximum use made of existing hiring channels such as private employers, labor organizations, professional organizations, schools, colleges, technical institutions and government agencies.

**6. Exclusions.** No provision of this employment stabilization plan shall be applicable to:

(a) The hiring of a new employee for agricultural employment;

(b) The hiring of a new employee for work of less than seven days' duration, or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purposes of this plan, unless the employee is customarily engaged in work of less than seven days' duration;

(c) The hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii;

(d) The hiring by a foreign, State, county, or municipal government, or their political subdivisions, or their agencies, and instrumentalities, or to the hiring of any of their employees, unless such foreign, State, county, or municipal government, or political subdivision or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the plan;

(e) The hiring of a new employee for domestic service, or to the hiring of a new employee whose last regular employment was in domestic service;

(f) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period.

**7. Appeals.** Any worker or employer may appeal from any act or failure to act by the WMC under the employment stabilization plan, in accordance with regulations and procedures of the WMC.

**8. Content of statements of availability.** A statement of availability issued to an individual pursuant to this plan shall contain only the individual's name, address, social security number, if any, the name and address of the issuing employer, or WMC officer and office, the date of issuance, a statement as to whether or not the individual's last employment was in a critical occupation, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the WMC.

**9. Solicitation of workers.** No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such an individual would be subject to restrictions under this employment stabilization plan, except in a manner consistent with such restrictions.

**10. Hiring.** The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

**11. Representation.** Nothing contained in the plan shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by, the labor organization of which he is a member or any other representative freely chosen by him, at any step in the operation of the plan.

**12. General referral policies.** No provision in this plan shall limit the authority of the USES to make referrals in accordance with approved policies and instructions of the WMC.

**13. Collective bargaining agreements.** Nothing in this plan shall be construed to prejudice existing rights of an employee or an employer under a collective bargaining agreement.

**VI. Authority and responsibility of the Columbus-Bloomington-Vincennes Area Labor-Management War Manpower Committee.** The Area Labor-Management War Manpower Committee for the Columbus-Bloomington-Vincennes Area is authorized to consider questions of policy, standards, and safeguards in connection with the administration of this employment stabilization plan, and to make recommendations to the Area Director.

**VII. Posting pertinent provisions of this plan.** The pertinent provisions of this employment stabilization plan shall be posted on bulletin boards or any other appropriate places in plants or places of business of employers covered by this plan, in accordance with instructions of the Area Director of the Columbus-Bloomington-Vincennes Area of the WMC, Region VI.

**VIII. Revocation of existing stabilization plans.** The Columbus-Bloomington-

Vincennes Area stabilization plan, effective May 17, 1943, together with all instructions and procedures adopted which may be in conflict with the provisions of this plan, are hereby revoked, effective as of October 14, 1943.

**IX. Effective date.** This plan shall become effective at 12:01 a. m. October 14, 1943.

Signed: September 28, 1943.

GEORGE VYVERBERG,  
Area Director, Columbus-  
Bloomington-Vincennes Area.

Approved: October 5, 1943.

W. H. SPENCER,  
Regional Director, Region VI.

[F. R. Doc. 44-3201; Filed, March 6, 1944;  
10:46 a. m.]

#### LITTLE EGYPT WAR MANPOWER COMMISSION AREA, ILL.

##### EMPLOYMENT STABILIZATION PLAN

The following employment stabilization program for the Little Egypt War Manpower Commission Area is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Program," effective August 16, 1943 (8 F.R. 11338).

Sec.

- I. Objectives.
- II. Geographic content of the area.
- III. Definitions of terms used in this plan.
- IV. Control of hiring and solicitation of workers.
- V. Provisions governing the orderly transfer of workers.
- VI. Authority and responsibility of the Little Egypt Area Labor-Management War Manpower Committee.
- VII. Posting pertinent provisions of this plan.
- VIII. Revocation of existing stabilization plans.
- IX. Effective date.

**I. Objectives.** The purpose of this employment stabilization plan is to assist the War Manpower Commission in bringing about, by measures equitable to labor and management, and necessary for the effective prosecution of the war:

- (a) The elimination of wasteful labor turnover in essential activities;
- (b) The reduction of unnecessary labor migration;
- (c) The direction of the flow of scarce labor where most needed in the war program;
- (d) The maximum utilization of manpower resources;
- (e) The establishment of procedures for the orderly transfer of essential workers.

**II. Geographic content of the area.** The Little Egypt Area has been designated by the Regional Director of the War Manpower Commission to consist of the following counties:

Alexander, Clay, Clinton, Edwards, Effingham, Fayette, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jasper, Jefferson, Johnson, Lawrence, Marion, Massac, Perry, Pope, Pulaski, Randolph, Richland, Saline, Union, Wabash, Washington, Wayne, White, and Williamson.

The boundaries of the Little Egypt Area may be changed upon recommendation of the Area Director and approval by

the Regional Director of the War Manpower Commission.

**III. Definitions of terms used in this plan.** (a) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops or the raising, feeding or management of livestock, bees and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

(b) "State" includes Alaska, Hawaii, and the District of Columbia.

(c) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days' duration and employment which is supplemental to the employee's principal work shall be disregarded.

(d) "Critical occupation" means any occupation designated as a critical occupation by the Chairman of the War Manpower Commission. (See War Manpower List of Critical Occupations, 8 F.R. 11420.)

(e) "Essential activity" means any activity included in the War Manpower Commission List of Essential Activities. (8 F.R. 11421)

(f) "Locally needed activity" means any activity approved by the Regional Manpower Director as a locally needed activity.

(g) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employments mean his principal employment.

(h) The "War Manpower Commission" is the commission established by Executive Order No. 9139, hereafter referred to as WMC.

(i) The "Little Egypt Area Labor-Management War Manpower Committee," referred to herein as the Area Committee, is that body composed of representatives of Management and Labor who have been appointed by the Regional Director of the War Manpower Commission for Region VI to act as the Little Egypt Area Labor-Management War Manpower Committee.

(j) The "United States Employment Service of the War Manpower Commission," herein referred to as the USES, is the Federal Employment Service which shall be deemed to include any employment office of that Service.

(k) The "Regional Director" is the chief administrative officer of the War Manpower Commission for Region VI, which consists of the following States: Illinois, Indiana and Wisconsin.

(l) The "Area Director" is the administrative officer of the War Manpower Commission responsible to the Regional Director for the administration of the policies and directives of the War Manpower Commission within the War Manpower Area as defined in section II of this plan.

**IV. Control of hiring and solicitation of workers.** All hiring and solicitation of workers in, or for work in, the Little Egypt Area shall be conducted in accordance with this plan.

**V. Provisions governing the orderly transfer of workers—(a) General provisions.** 1. A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

(a) Such individual is hired for work in an essential or locally needed activity or for work to which he has been referred by the USES, and

(b) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the USES, or is hired with its consent, as provided herein.

**2. Issuance of statements of availability by employers.** An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability from his employer if:

(a) He has been discharged, or his employment has been otherwise terminated by his employer, or

(b) He has been laid off for an indefinite period, or for a period of seven months by his employer, or

(c) Continuance of his employment would involve undue personal hardship, or

(d) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or

(e) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

**3. Issuance of statements of availability by the USES.** (a) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in subsection 2 is found to exist in his case. If the employer fails or refuses to issue a statement, the USES, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual.

(b) A statement of availability shall be issued by the USES to any individual in the employ of an employer who the WMC finds, after notice, hearing and final decision, has not complied with any WMC employment stabilization plan, regulation or policy, and for so long as such employer continues his non-compliance after such finding.

**4. Referral in case of under-utilization.** If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort, the USES may, upon his request, refer him to other

available employment in which it finds that the individual will be more fully utilized in the war effort.

**5. Workers who may be hired only upon referral by the USES.** (a) A new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or in accordance with arrangement with the USES when:

(1) The new employee is to be hired for work in a critical occupation, or his statement of availability indicates that his last employment was in a critical occupation;

(2) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period;

(3) The new employee's last regular employment was in agriculture and he is to be hired for nonagricultural work: *Provided*, That no such individual shall be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration: *And provided*, That such an individual may be hired for non-agricultural work for a period not to exceed six weeks without referral or presentation of a statement of availability.

**6. Exclusions.** No provision of this employment stabilization plan shall be applicable to:

(a) The hiring of a new employee for agricultural employment.

(b) The hiring of a new employee for work of less than seven days' duration, or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purposes of this plan, unless the employee is customarily engaged in work of less than seven days' duration.

(c) The hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii.

(d) The hiring by a foreign, State, county or municipal government or their political subdivisions, or their agencies and instrumentalities, or to the hiring of any of their employees, unless such foreign State, county or municipal government or political subdivision or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the plan;

(e) The hiring of a new employee for domestic service, or to the hiring of a new employee whose last regular employment was in domestic service;

(f) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period.

**7. Appeals.** Any worker or employer may appeal from any act or failure to act by the WMC under the employment stabilization plan in accordance with regulations and procedures of the WMC.

**8. Content of statements of availability.** A statement of availability issued to an individual pursuant to this plan shall contain only the individual's name, address, social security number, if any,

the name and address of the issuing employer, or WMC officer, and office, the date of issuance, a statement as to whether or not the individual's last employment was in a critical occupation, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the WMC.

9. *Solicitation of workers.* No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such an individual would be subject to restrictions under this employment stabilization plan, except in a manner consistent with such restrictions.

10. *Hiring.* The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or, except as required by law, citizenship.

11. *Representation.* Nothing contained in the plan shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by, the labor organization of which he is a member or any other representative freely chosen by him, at any step in the operation of the plan.

12. *General referral policies.* No provision in this plan shall limit the authority of the USES to make referrals in accordance with approved policies and instructions of the WMC.

13. *Collective bargaining agreements.* Nothing in this plan shall be construed to prejudice existing rights of any employee or an employer under a collective bargaining agreement.

VI. *Authority and responsibility of the Little Egypt Area Labor-Management War Manpower Committee.* The Area Labor-Management War Manpower Committee for the Little Egypt Area is authorized to consider questions of policy, standards and safeguards in connection with the administration of this employment stabilization plan, and to make recommendations to the Area Director.

VII. *Posting pertinent provisions of this plan.* The pertinent provisions of this employment stabilization plan shall be posted on bulletin boards or any other appropriate places in plants or places of business of employers covered by this plan, in accordance with instructions of the Area Director of the Little Egypt Area of the WMC, Region VI.

VIII. *Revocation of existing stabilization plans.* The Little Egypt Area Stabilization Plan, effective July 27, 1943, together with all instructions and procedures adopted which may be in conflict with the provisions of this plan, are hereby revoked, effective as of October 14, 1943.

IX. *Effective date.* This plan shall become effective at 12:01 a. m. on October 14, 1943.

Signed: September 28, 1943.

EVERETTE LEWIS,  
Area Director,  
The Little Egypt Area.

Approved: October 5, 1943.

W. H. SPENCER,  
Regional Director, Region VI.

[F. R. Doc. 44-3199; Filed, March 6, 1944;  
10:45 a. m.]

#### ROCKFORD, ILL., WAR MANPOWER COMMISSION AREA

##### EMPLOYMENT STABILIZATION PLAN

The following employment stabilization program for the Rockford, Illinois, War Manpower Commission Area is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Programs," effective August 16, 1943 (8 F.R. 11338).

Sec.

- I. Objectives.
- II. Geographic content of the area.
- III. Definitions of terms used in this plan.
- IV. Control of hiring and solicitation of workers.
- V. Provisions governing the orderly transfer of workers.
- VI. Authority and responsibility of the Rockford Area Labor-Management War Manpower Committees.
- VII. Posting pertinent provisions of this plan.
- VIII. Revocation of existing stabilization plans.
- IX. Effective date.

I. *Objectives.* The purpose of this employment stabilization plan is to assist the War Manpower Commission in bringing about, by measures equitable to labor and management, and necessary for the effective prosecution of the war:

- (a) The elimination of wasteful labor turnover in essential activities.
- (b) The reduction of unnecessary labor migration.
- (c) The direction of the flow of scarce labor where most needed in the war program.
- (d) The maximum utilization of manpower resources.
- (e) The establishment of procedures for the orderly transfer of essential workers.

II. *Geographic content of the area.* The Rockford Area has been designated by the Regional Director of the War Manpower Commission to consist of the following counties in Illinois:

Lake, Jo Daviess, Stephenson, Winnebago with the exception of Rockton, Roscoe, Laona, and Shirland Townships, Boone, and McHenry.

The boundaries of the Rockford Area may be changed upon recommendation of the Area Director and approval by the Regional Director of the War Manpower Commission.

III. *Definitions of terms used in this plan.* (a) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees, and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

(b) "State" includes Alaska, Hawaii, and the District of Columbia.

(c) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days' dura-

tion and employment which is supplemental to the employee's principal work shall be disregarded.

(d) "Critical occupation" means any occupation designated as a critical occupation by the Chairman of the War Manpower Commission. (See War Manpower List of Critical Occupations, 8 F.R. 11420.)

(e) "Essential activity" means any activity included in the War Manpower Commission List of Essential Activities. (8 F.R. 11421.)

(f) "Locally needed activity" means any activity approved by the Regional Manpower Director as a locally needed activity.

(g) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employments mean his principal employment.

(h) The "War Manpower Commission" is the commission established by Executive Order No. 9139, hereafter referred to as WMC.

(i) The "Rockford Area Labor-Management War Manpower Committee," referred to herein as the Area Committee, is that body composed of representatives of Management and Labor who have been appointed by the Regional Director of the War Manpower Commission for Region VI to act as the Rockford Area Labor-Management War Manpower Committee.

(j) The "United States Employment Service of the War Manpower Commission," herein referred to as the USES, is the Federal Employment Service which shall be deemed to include any employment office of that Service.

(k) The "Regional Director" is the chief administrative officer of the War Manpower Commission for Region VI, which consists of the following States: Illinois, Indiana, Wisconsin.

(l) The "Area Director" is the administrative officer of the War Manpower Commission responsible to the Regional Director for the administration of the policies and directives of the War Manpower Commission within the War Manpower Area as defined in section II of this plan.

IV. *Control of hiring and solicitation of workers.* All hiring and solicitation of workers in, or for work in, the Rockford Area shall be conducted in accordance with this plan.

V. *Provisions governing the orderly transfer of workers*—(a) *General provisions.* 1. A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

(a) Such individual is hired for work in an essential or locally needed activity or for work to which he has been referred by the USES, and

(b) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the USES, or is hired with its consent, as provided herein.

2. *Issuance of statements of availability by employers.* An individual whose

last employment is or was in an essential or locally needed activity shall receive a statement of availability from his employer if:

(a) He has been discharged, or his employment has been otherwise terminated by his employer, or

(b) He has been laid off for an indefinite period, or for a period of seven or more days, or

(c) Continuance of his employment would involve undue personal hardship, or

(d) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or

(e) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

*3. Issuance of statements of availability by the USES.* (a) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in subsection 2 is found to exist in his case. If the employer fails or refuses to issue a statement, the USES, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual.

(b) A statement of availability shall be issued by the USES to any individual in the employ of an employer who the WMC finds, after notice, hearing and final decision, has not complied with any WMC employment stabilization plan, regulation or policy, and for so long as such employer continues his noncompliance after such finding.

*4. Referral in case of under-utilization.* If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort, the USES may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized in the war effort.

*5. Workers who may be hired only upon referral by the USES.* (a) A new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or in accordance with arrangements with, the USES when:

(1) The new employee is to be hired for work in a critical occupation, or his statement of availability indicates that his last employment was in a critical occupation.

(2) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period.

(3) The new employee's last regular employment was in agriculture and he is to be hired for non-agricultural work. *Provided*, That no such individual shall be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration. *And provided*, That such an individual may be hired for non-agricul-

tural work for a period not to exceed six weeks without referral or presentation of a statement of availability.

(b) *Encouragement of local initiative and use of existing hiring channels.* To the maximum degree consistent with this employment stabilization plan, local initiative and cooperative efforts shall be encouraged and utilized and maximum use made of existing hiring channels such as private employers, labor organizations, professional organizations, schools, colleges, technical institutions and government agencies.

*6. Exclusions.* No provision of this employment stabilization plan shall be applicable to:

(a) The hiring of a new employee for agricultural employment.

(b) The hiring of a new employee for work of less than seven days' duration, or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purposes of this plan, unless the employee is customarily engaged in work of less than seven days' duration.

(c) The hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii.

(d) The hiring by a foreign, State, county, or municipal government, or their political subdivisions, or their agencies, and instrumentalities, or to the hiring of any of their employees, unless such foreign, State, county, or municipal government, or political subdivision or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the plan.

(e) The hiring of a new employee for domestic service, or to the hiring of a new employee whose last regular employment was in domestic service.

(f) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period.

*7. Appeals.* Any worker or employer may appeal from any act or failure to act by the WMC under the employment stabilization plan, in accordance with regulations and procedures of the WMC.

*8. Content of statements of availability.* A statement of availability issued to an individual pursuant to this plan shall contain only the individual's name, address, social security number, if any, the name and address of the issuing employer, or WMC officer and office, the date of issuance, a statement as to whether or not the individual's last employment was in a critical occupation, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the WMC.

*9. Solicitation of workers.* No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such an individual would be subject to restrictions under this employment stabilization plan, except in a manner consistent with such restrictions.

*10. Hiring.* The decision to hire or refer a worker shall be based on qualifi-

cations essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

*11. Representation.* Nothing contained in the plan shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by, the labor organization of which he is a member or any other representative freely chosen by him, at any step in the operation of the plan.

*12. General referral policies.* No provision in this plan shall limit the authority of the USES to make referrals in accordance with approved policies and instructions of the WMC.

*13. Collective bargaining agreements.* Nothing in this plan shall be construed to prejudice existing rights of an employee or an employer under a collective bargaining agreement.

*VI. Authority and responsibility of the Rockford Area Labor-Management War Manpower Committee.* The Area Labor-Management War Manpower Committee for the Rockford Area is authorized to consider questions of policy, standards, and safeguards in connection with the administration of this employment stabilization plan, and to make recommendations to the Area Director.

*VII. Posting pertinent provisions of this plan.* The pertinent provisions of this employment stabilization plan shall be posted on bulletin boards or any other appropriate places in plants or places of business of employers covered by this plan, in accordance with instructions of the Area Director of the Rockford Area of the WMC, Region VI.

*VIII. Revocation of existing stabilization plans.* The Rockford Area Stabilization Plan, effective April 8, 1943, together with all instructions and procedures adopted which may be in conflict with the provisions of this plan, are hereby revoked, effective as of October 14, 1943.

*IX. Effective date.* This plan shall become effective at 12:01 a. m. on October 14, 1943.

Signed: September 30, 1943.

JOSEPH D. CRONIN,  
Acting Area Director,  
Rockford Area.

Approved: October 5, 1943.

W. H. SPENCER,  
Regional Director, Region VI.

[F. R. Doc. 44-3196; Filed, March 6, 1944;  
10:42 a. m.]

#### SOUTHWESTERN ILLINOIS WAR MANPOWER COMMISSION AREA

##### EMPLOYMENT STABILIZATION PLAN

The following employment stabilization program for the Southwestern Illinois War Manpower Commission Area is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Programs," effective August 16, 1943 (8 F.R. 11338).

Sec.

I. Objectives.

II. Geographic content of the area.

III. Definitions of terms used in this plan.

## Sec.

- IV. Control of hiring and solicitation of workers.
- V. Provisions governing the orderly transfer of workers.
- VI. Authority and responsibility of the Southwestern Illinois Area Labor Management War Manpower Committee.
- VII. Posting pertinent provisions of this plan.
- VIII. Revocation of existing stabilization plans.
- IX. Effect date.

**I. Objectives.** The purpose of this employment stabilization plan is to assist the War Manpower Commission in bringing about, by measures equitable to labor and management, and necessary for the effective prosecution of the war:

- (a) The elimination of wasteful labor turnover in essential activities.
- (b) The reduction of unnecessary labor migration.
- (c) The direction of the flow of scarce labor where most needed in the war program.
- (d) The maximum utilization of manpower resources.
- (e) The establishment of procedures for the orderly transfer of essential workers.

**II. Geographic content of the area.** The Southwestern Illinois Area has been designated by the Regional Director of the War Manpower Commission to consist of the following counties:

Calhoun, Greene, Jersey, Madison, Monroe, and St. Clair.

The boundaries of the Southwestern Illinois Area may be changed upon recommendation of the Area Director and approval by the Regional Director of the War Manpower Commission.

**III. Definitions of terms used in this plan.** (a) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees, and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

(b) "State" includes Alaska, Hawaii, and the District of Columbia.

(c) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days' duration and employment which is supplemental to the employee's principal work shall be disregarded.

(d) "Critical occupation" means any occupation designated as a critical occupation by the Chairman of the War Manpower Commission. (See War Manpower List of Critical Occupations, 8 F.R. 11420.)

(e) "Essential activity" means any activity included in the War Manpower Commission List of Essential Activities. (8 F.R. 11421)

(f) "Locally needed activity" means any activity approved by the Regional Manpower Director as a locally needed activity.

(g) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employments mean his principal employment.

(h) The "War Manpower Commission" is the commission established by Executive Order No. 9139, hereafter referred to as WMC.

(i) The "Southwestern Illinois Area Labor-Management War Manpower Committee," referred to herein as the Area Committee, is that body composed of representatives of Management and Labor who have been appointed by the Regional Director of the War Manpower Commission for Region VI to act as the Southwestern Illinois Area Labor-Management War Manpower Committee.

(j) The "United States Employment Service of the War Manpower Commission," herein referred to as the USES, is the Federal Employment Service which shall be deemed to include any employment office of that Service.

(k) The "Regional Director" is the chief administrative officer of the War Manpower Commission for Region VI, which consists of the following States: Illinois, Indiana, Wisconsin.

(l) The "Area Director" is the administrative officer of the War Manpower Commission responsible to the Regional Director for the administration of the policies and directives of the War Manpower Commission within the War Manpower Area as defined in Section II of this plan.

**IV. Control of hiring and solicitation of workers.** All hiring and solicitation of workers in, or for work in, the Southwestern Illinois Area shall be conducted in accordance with this plan.

**V. Provisions governing the orderly transfer of workers—(a) General provisions.** 1. A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

(a) Such an individual is hired for work in an essential or locally needed activity or for work to which he has been referred by the USES, and

(b) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the USES, or is hired with its consent, as provided herein.

**2. Issuance of statements of availability by employers.** An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability from his employer if:

(a) He has been discharged, or his employment has been otherwise terminated by his employer, or

(b) He has been laid off for an indefinite period, or for a period of seven or more days, or

(c) Continuance of his employment would involve undue personal hardship, or

(d) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or

(e) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

**3. Issuance of statements of availability by the USES.** (a) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in subsection 2 is found to exist in his case. If the employer fails or refuses to issue a statement of availability, the USES, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual.

(b) A statement of availability shall be issued by the USES to any individual in the employ of an employer who the WMC finds, after notice, hearing and final decision, has not complied with any WMC employment stabilization plan, regulation or policy, and for so long as such employer continues his non-compliance after such finding.

**4. Referral in case of under-utilization.** If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort, the USES may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized in the war effort.

**5. Workers who may be hired only upon referral by the USES.** (a) A new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or in accordance with arrangements with, the USES when:

(1) The new employee is to be hired for work in a critical occupation, or his statement of availability indicates that his last employment was in a critical occupation.

(2) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period.

(3) The new employee's last regular employment was in agriculture and he is to be hired for non-agricultural work; *Provided*, That no such individual shall be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration; *And provided*, That such an individual may be hired for non-agricultural work for a period not to exceed six weeks without referral or presentation of a statement of availability.

**b. Encouragement of local initiative and use of existing hiring channels.** To the Maximum degree consistent with this employment stabilization plan, local initiative and cooperative efforts shall

be encouraged and utilized and maximum use made of existing hiring channels such as private employers, labor organizations, professional organizations, schools, colleges, technical institutions and governmental agencies.

6. *Exclusions.* No provision of this employment stabilization plan shall be applicable to:

(a) The hiring of a new employee for agricultural employment.

(b) The hiring of a new employee for work of less than seven days' duration, or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purposes of this plan, unless the employee is customarily engaged in work of less than seven days' duration.

(c) The hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii.

(d) The hiring by a foreign, State, county, or municipal government, or their political subdivisions, or their agencies, and instrumentalities, or to the hiring of any of their employees, unless such foreign, State, county, or municipal government, or political subdivision or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the plan.

(e) The hiring of a new employee for domestic service, or to the hiring of a new employee whose last regular employment was in domestic service.

(f) The hiring of a school teacher for vacation employment or the re-hiring of a school teacher for teaching at the termination of the vacation period.

7. *Appeals.* Any worker or employer may appeal from any act or failure to act by the WMC under the employment stabilization plan, in accordance with regulations and procedures of the WMC.

8. *Content of statements of availability.* A statement of availability issued to an individual pursuant to this plan shall contain only the individual's name, address, social security number, if any, the name and address, of the issuing employer, of WMC officer and office, the date of issuance, a statement as to whether or not the individual's last employment was in a critical occupation, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the WMC.

9. *Solicitation of workers.* No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such an individual would be subject to restrictions under the employment stabilization plan, except in a manner consistent with such restrictions.

10. *Hiring.* The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

11. *Representation.* Nothing contained in the plan shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by, the labor organization of which

he is a member or any other representative freely chosen by him, at any step in the operation of the plan.

12. *General referral policies.* No provision in this plan shall limit the authority of the USES to make referrals in accordance with approved policies and instructions of the WMC.

13. *Collective bargaining agreements.* Nothing in this plan shall be construed to prejudice existing rights of an employee or an employer under a collective bargaining agreement.

VI. *Authority and responsibility of the Southwestern Illinois Area Labor-Management War Manpower Committee.* The Area Labor-Management War Manpower Committee for the Southwestern Illinois Area is authorized to consider questions of policy, standards, and safeguards in connection with the administration of this employment stabilization plan, and to make recommendations to the Area Director.

VII. *Posting pertinent provisions of this plan.* The pertinent provisions of this employment stabilization plan shall be posted on bulletin boards or any other appropriate places in plants or places of business of employers covered by this plan, in accordance with instructions of the Area Director of the Southwestern Illinois Area of the WMC, Region VI.

VIII. *Revocation of existing stabilization plans.* The Southwestern Illinois Area stabilization plan, effective July 27, 1943, together with all instructions and procedures adopted which may be in conflict with the provisions of this plan, are hereby revoked, effective as of October 14, 1943.

IX. *Effective date.* This plan shall become effective at 12:01 a. m. on October 14, 1943.

Signed: September 28, 1943.

GLEN FILLEY,  
Area Director,  
Southwestern Illinois Area.

Approved: October 5, 1943.

W. H. SPENCER,  
Regional Director, Region VI.

[F. R. Doc. 44-3197; Filed, March 6, 1944;  
10:44 a. m.]

#### SPRINGFIELD-DECATUR, ILL., WAR MANPOWER COMMISSION AREA

#### EMPLOYMENT STABILIZATION PLAN

The following employment stabilization program for the Springfield-Decatur War Manpower Commission Area is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Programs," effective August 16, 1943 (8 F.R. 11338).

Sec.

I. Objectives.  
II. Geographic content of the area.  
III. Definition of terms used in this plan.  
IV. Control of hiring and solicitation of workers.

V. Provisions governing the orderly transfer of workers.

VI. Authority and responsibility of the Springfield-Decatur Area Labor-Management War Manpower Committee.

Sec.

VII. Posting pertinent provisions of this plan.

VIII. Revocation of existing stabilization plans.

IX. Effective date.

I. *Objectives.* The purpose of this employment stabilization plan is to assist the War Manpower Commission in bringing about, by measures equitable to labor and management, and necessary for the effective prosecution of the war:

(a) The elimination of wasteful labor turnover in essential activities.

(b) The reduction of unnecessary labor migration.

(c) The direction of the flow of scarce labor where most needed in the war program.

(d) The maximum utilization of manpower resources.

(e) The establishment of procedures for the orderly transfer of essential workers.

II. *Geographic content of the area.* The Springfield-Decatur Area has been designated by the Regional Director of the War Manpower Commission to consist of the following counties:

Sangamon, Logan, Menard, Christian, Macoupin, Moultrie, Piatt, DeWitt, Coles, Shelby, Cumberland, Macoupin, Montgomery, and Bond.

The boundaries of the Springfield-Decatur Area may be changed upon recommendation of the Area Director and approval by the Regional Director of the War Manpower Commission.

III. *Definitions of terms used in this plan.* (a) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

(b) "State" includes Alaska, Hawaii, and the District of Columbia.

(c) New employee means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days' duration and employment which is supplemental to the employee's principal work shall be disregarded.

(d) "Critical occupation" means any occupation designated as a critical occupation by the Chairman of the War Manpower Commission. (See War Manpower list of critical occupations, 8 F.R. 11420.)

(e) "An additional controlled occupation" is an occupation in which the local demand for workers exceeds the local supply and has been so designated by the Area Director and approved by the Regional Director of the WMC. (See Appendix V of this program.)

(f) "Essential activity" means any activity included in the War Manpower Commission List of Essential Activities. (8 F.R. 11421)

(g) Locally needed activity means any activity approved by the Regional Manpower Director as a locally needed activity. (See Appendix IV of this program.)

(h) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employments mean his principal employment.

(i) The "War Manpower Commission" is the commission established by Executive Order No. 9139, hereafter referred to as WMC.

(j) The "Springfield-Decatur Area Labor-Management War Manpower Committee," referred to herein as the Area Committee, is that body composed of representatives of Management and Labor who have been appointed by the Regional Director of the War Manpower Commission for Region VI to act as the Springfield-Decatur Area Labor-Management War Manpower Committee.

(k) The "United States Employment Service of the War Manpower Commission," herein referred to as the USES, is the Federal Employment Service which shall be deemed to include any employment office of that Service.

(l) The "Regional Director" is the chief administrative officer of the War Manpower Commission for Region VI, which consists of the following States: Illinois, Indiana, Wisconsin.

(m) The "State Director" is the chief administrative officer of the War Manpower Commission for the State of Illinois.

(n) The "Area Director" is the administrative officer of the War Manpower Commission responsible to the State Director for the administration of the policies and directives of the War Manpower Commission within the War Manpower Area as defined in section II of this plan.

**IV. Control of hiring and solicitation of workers.** All hiring and solicitation of workers in, or for work in, the Springfield-Decatur Area shall be conducted in accordance with this plan.

**V. Provisions governing the orderly transfer of workers—(a) General provisions.** 1. A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

(a) Such individual is hired for work in an essential or locally needed activity or for work to which he has been referred by the USES, and

(b) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the USES, or is hired with its consent, as provided herein.

**2. Issuance of statements of availability by employers.** An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability from his employer if:

(a) He has been discharged, or his employment has been otherwise terminated by his employer, or

(b) He has been laid off for an indefinite period, or for a period of seven or more days, or

(c) Continuance of his employment would involve undue personal hardship, or

(d) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or

(e) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

**3. Issuance of statements of availability by the USES.** (a) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in subsection 2 is found to exist in his case. If the employer fails or refuses to issue a statement, the USES, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual.

(b) A statement of availability shall be issued by the USES to any individual in the employ of an employer who the WMC finds, after notice, hearing and final decision, has not complied with any WMC employment stabilization plan, regulation or policy, and for so long as such employer continues his noncompliance after such finding.

**4. Referral in case of under-utilization.** If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort, the USES may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized in the war effort.

**5. Workers who may be hired only upon referral by the USES.** (a) A new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or in accordance with arrangements with, the USES when:

(1) The new employee is to be hired for work in a critical occupation, or his statement of availability indicates that his last employment was in a critical occupation;

(2) The new employee is to be hired for work in an occupation listed in Appendix V of this program, "Additional Controlled Occupations" or his statement of availability indicates that his last employment was in such an occupation;

(3) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period.

(4) The new employee's last regular employment was in agriculture and he is to be hired for non-agricultural work: *Provided*, That no such individual shall be referred to non-agricultural work except after consultation with a designated representative of the War Food

Administration: *And provided*, That such an individual may be hired for non-agricultural work for a period not to exceed six weeks without referral or presentation of a statement of availability.

(b) *Encouragement of local initiative and use of existing hiring channels.* To the maximum degree consistent with this employment stabilization plan, local initiative and cooperative efforts shall be encouraged and utilized and maximum use made of existing hiring channels such as private employers, labor organizations, professional organizations, schools, colleges, technical institutions and government agencies.

**6. Exclusions.** No provision of this employment stabilization plan shall be applicable to:

(a) The hiring of a new employee for agricultural employment;

(b) The hiring of a new employee for work of less than seven days' duration, or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purposes of this plan, unless the employee is customarily engaged in work of less than seven days' duration;

(c) The hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii;

(d) The hiring by a foreign, State, county, or municipal government, or their political subdivisions, or their agencies, and instrumentalities, or to the hiring of any of their employees, unless such foreign, State, county, or municipal government, or political subdivision or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the plan;

(e) The hiring of a new employee for domestic service, or to the hiring of a new employee whose last regular employment was in domestic service;

(f) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period.

**7. Appeals.** Any worker or employer may appeal from any act or failure to act by the WMC under the employment stabilization plan, in accordance with regulations and procedures of the WMC.

**8. Content of statements of availability.** A statement of availability issued to an individual pursuant to this plan shall contain only the individual's name, address, social security number, if any, the name and address of the issuing employer or WMC officer and office, the date of issuance, a statement as to whether or not the individual's last employment was in a critical occupation, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the WMC.

**9. Solicitation of workers.** No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such an individual would be subject to restrictions under this employment stabilization plan, except in a manner consistent with such restrictions.

**10. Hiring.** The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

**11. Representation.** Nothing contained in the plan shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by, the labor organization of which he is a member or any other representative freely chosen by him, at any step in the operation of this plan.

**12. General referral policies.** No provision in this plan shall limit the authority of the USES to make referrals in accordance with approved policies and instructions of the WMC.

**13. Collective bargaining agreements.** Nothing in this plan shall be construed to prejudice existing rights of an employee or an employer under a collective bargaining agreement.

**VI. Authority and responsibility of the Springfield-Decatur Area Labor-Management War Manpower Committee.** The Area Labor-Management War Manpower Committee for the Springfield-Decatur Area is authorized to consider questions of policy, standards, and safeguards in connection with the administration of this employment stabilization plan, and to make recommendations to the Area Director.

**VII. Posting pertinent provisions of this plan.** The pertinent provisions of this employment stabilization plan shall be posted on bulletin boards or any other appropriate places in plants or places of business of employers covered by this plan, in accordance with instructions of the Area Director of the Springfield-Decatur Area of the WMC, Region VI.

**VIII. Revocation of existing stabilization plans.** The Springfield-Decatur Area stabilization plan, effective April 18, 1943, together with all instructions and procedures adopted which may be in conflict with the provisions of this plan, are hereby revoked, effective as of 12:01 a. m. October 15, 1943.

**IX. Effective date.** This plan shall become effective at 12:01 a. m. on October 15, 1943.

Signed: October 8, 1943.

SAMUEL R. WANNAMAUGHER,  
Area Director,  
Springfield-Decatur Area.

Approved: October 12, 1943.

W. H. SPENCER,  
Regional Director, Region VI.

#### APPENDIX IV—LIST OF LOCALLY NEEDED ACTIVITIES

Decatur Retail Coal Industry.  
Mattoon Retail Coal Industry.

#### APPENDIX V—LIST OF ADDITIONAL CONTROLLED OCCUPATIONS

Sec.

1. Tool and die maker apprentice—after completion of first year of training.
2. Machinist apprentice—after completion of first year of training.
3. Machinist helper—after completion of first year of training.
4. Turret lathe operator.

Sec.

5. Engine lathe operator.
6. Milling machine operator.
7. Automatic screw machine operator.
8. Planer operator (machine shop).
9. Shaper operator (machine shop).
10. Surface grinder operator.
11. Internal grinder operator.
12. External grinder operator.
13. Tool grinder.
14. Auto mechanic.
15. Truck mechanic.
16. Tractor mechanic.
17. Auto body repairman.
18. Foundry laborer.

[F. R. Doc. 44-3200; Filed, March 6, 1944;  
10:46 a. m.]

#### WAR PRODUCTION BOARD.

STANDARD OIL CO. OF CALIFORNIA

#### NOTICE TO BUILDERS AND SUPPLIERS OF ISSUANCE OF REVOCATION ORDERS REVOKING SPECIAL DIRECTIONS DATED DECEMBER 8, 1942

The War Production Board has issued certain revocation orders revoking special directions dated December 8, 1942, issued in connection with synthetic rubber facilities construction projects to which urgency numbers listed below were assigned. For the effect of such revocation order the builder and suppliers affected shall refer to the specific order issued to the builder:

Urgency Rating Number, 42; Builder's Serial Number, 51635; Company, The Std. Oil Co. of Calif.; Address, San Francisco, California; Location of Project, El Segundo, Calif.

Issued this 17th day of February 1944.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 44-3235; Filed, February 17, 1944;  
11:19 a. m.]

#### LAGE OIL & TRANSPORT CO. AND STANDARD OIL CO. OF NEW JERSEY

#### NOTICE TO BUILDERS AND SUPPLIERS OF ISSUANCE OF REVOCATION ORDERS REVOKING SPECIAL DIRECTIONS DATED DECEMBER 8, 1942

The War Production Board has issued certain revocation orders revoking special directions dated December 8, 1942, issued in connection with high octane gasoline facilities construction projects to which urgency numbers listed below were assigned. For the effect of such revocation order the builder and suppliers affected shall refer to the specific order issued to the builder:

Urgency Rating Number, 49; Builder's Serial Number, 5166; Lage Oil & Transport Co.; Aruba-Curacao, N. W. I. (Aruba Netherlands, West Indies); also Std. Oil Co. of N. J., New York City.

Issued this 17th day of February, 1944.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary

[F. R. Doc. 44-3236; Filed, February 17, 1944;  
11:19 a. m.]

#### DR. PEPPER BOTTLING COMPANY, INCORPORATED

##### CONSENT ORDER

Dr. Pepper Bottling Company, Incorporated, of Corbin, Kentucky, is engaged in the bottling and distribution of non-alcoholic beverages, and was found in an investigation by the War Production Board on December 14, 1943, to have used 5,196 gross of new closures made of restricted materials for the period from June 1, 1942, to October 1, 1943, for the bottling of non-alcoholic beverages, in excess of the quota permitted under the provisions of Conservation Order M-104, as then in effect. Dr. Pepper Bottling Company, Incorporated, admits the excess use as charged by the War Production Board and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Dr. Pepper Bottling Company, Incorporated, the Regional Compliance Chief and the Regional Attorney, and upon the approval of the Compliance Commissioner: *It is hereby ordered, That:*

(a) Dr. Pepper Bottling Company, Incorporated, its successors and assigns, shall, during the calendar year of 1944, reduce its use of new closures made of restricted materials to be affixed to glass containers for non-alcoholic beverages by 5,196 gross, under the quota it would otherwise be entitled to use in such a period, as defined by Limitation Order L-103-b, which on January 4, 1944, superseded Conservation Order M-104, controlling the use of such closures. Any exceptions to this reduction in use must be specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Dr. Pepper Bottling Company, Incorporated, its successors or assigns from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect as of the date of issuance, and shall expire on December 31, 1944.

Issued this 6th day of March 1944.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 44-3243; Filed, March 6, 1944;  
4:34 p. m.]

#### WAR SHIPPING ADMINISTRATION.

##### "WAMSUTTA"

##### DETERMINATION OF VESSEL OWNERSHIP

Notice of determination by War Shipping Administrator pursuant to section 3 (b) of the act approved March 24, 1943, (Pub. Law 17, 78th Cong.)

Whereas on May 11, 1943, title to the vessel *Wamsutta* (228865), (including all spare parts, appurtenances and equipment) was requisitioned pursuant

## FEDERAL REGISTER, Wednesday, March 8, 1944

to section 902 of the Merchant Marine Act, 1936, as amended; and

Whereas section 3 (b) of the Act approved March 24, 1943, (Pub. Law 17, 78th Cong.), provides in part as follows:

(b) The Administrator, War Shipping Administration, may determine at any time prior to the payment in full or deposit in full with the Treasurer of the United States, or the payment or deposit of 75 per centum, or just compensation therefor, that the ownership of any vessel (the title to which has been requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended, or the Act of June 6, 1941, (Public Law 101, Seventy-Seventh Congress), is not required by the United States, and after such determination has been made and notice thereof has been published in the FEDERAL REGISTER, the use rather than the title to such vessel shall be deemed to have

been requisitioned for all purposes as of the date of the original taking; *Provided however*, That no such determination shall be made with respect to any vessel after the date of delivery of such vessel pursuant to title requisition except with the consent of the owner. \* \* \*; and

Whereas no portion of just compensation for the said vessel has been paid or deposited with the Treasurer of the United States; and

Whereas the ownership of the said vessel, spare parts, appurtenances and equipment is not required by the United States; and

Whereas the former owner of the vessel has consented to this determination and to the return of the vessel and the conversion of the requisition of

title therein to a requisition of use thereof in accordance with the above-quoted provision of law;

Now therefore, I, Emory S. Land, Administrator, War Shipping Administration, acting pursuant to the above-quoted provisions of law, do hereby determine that the ownership of said vessel, spare parts, appurtenances and equipment is not required by the United States, and that, from and after the date of publication hereof in the FEDERAL REGISTER, the use rather than title thereto shall be deemed to have been requisitioned, for all purposes, as of the date of the original taking.

E. S. LAND,  
Administrator.

[F. R. Doc. 44-3234; Filed, March 6, 1944;  
8:19 p. m.]